ZONING ORDINANCE

FOR

THE CITY OF

KENOSHA, WISCONSIN

January 11, 2013

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SECTION 1.0
INTRODUCTION

1.01 AUTHORITY

This Ordinance is adopted under the authority granted by §§62.23(7), 62.231, 87.30, 114.136 and 144.26 of the Wisconsin Statutes and amendments thereto.

1.02 TITLE

This Ordinance shall be known as, referred to, and cited as the **"ZONING ORDINANCE, CITY OF KENOSHA, WISCONSIN"** and is hereinafter referred to as the "Ordinance".

1.03 PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the City of Kenosha, Wisconsin.

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;
V. Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance.
W. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.05 ABROGATION AND GREATER RESTRICTIONS

A. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, other than as stated in **§1.06** of this Ordinance,

rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

B. The Common Council of the City may from time to time impose a moratorium on the issuance of Building Permits, Zoning Permits and approvals with respect to a defined land use under circumstances where a deficiency in the City regulatory scheme is noted and amendments of the Zoning Ordinance and/or Code of General Ordinances are required to address the noted deficiencies. A moratorium shall be imposed by Resolution and be in effect for no longer than twelve (12) months, but subject to such reasonable extension or extensions as may be necessary under the circumstances.

C. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under §62.23; r §87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

1.06 REPEAL

It is intended by this Ordinance to repeal the "COMPREHENSIVE ZONING PLAN OF THE CITY OF KENOSHA, WISCONSIN", as previously adopted, and create this Ordinance as titled in **§1.02** of this Ordinance. All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

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.

1.08 SEVERABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular building structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be construed as applicable to any other building structure, land or water not specifically included in said judgment.

1.09 WARNING AND DISCLAIMER OF LIABILITY

A. Flood Protection. The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the City of Kenosha or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

B. Other. This Ordinance is not intended to guarantee the health, safety, morals, or welfare of any person or the value or security of any land, water, building or structure, or create a liability on the part of or a cause of action against the City of Kenosha or any officer or employee thereof for any damages that may result from reliance on this Ordinance.

1.10 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the City of Kenosha, Wisconsin.

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 Section 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 Section 30.2022, Wisconsin Statutes, applies.

1.12 Finding of Fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

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 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 Delinquent Special Assessments, Special Charges, or Special Taxes. The issuance of Conditional Use 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 delinquent special assessments, special charges, or special taxes 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.

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 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 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.

Public Safety Communication Towers and Antennas may be erected/ constructed to a height which exceeds the height limit established for the district when so authorized by the Review Authority but may in no event be higher than the Kenosha Regional Airport Height Limitation unless an exception is approved in accordance with Section 13.10 K.3. 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 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,

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 designed to provide adequate drainage to reduce exposure to flood hazards; have all public utilities and facilities including, but not limited to, sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damages; 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.

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 0.00 foot.

2. The Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.00 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 0.00 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 Director of Community Development and Inspection 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,and pursuant to Section 10.06 the City shall apply for a Letter of Map Revision from FEMA. Any such alteration must be reviewed and approved by FEMA and the DNR through the Letter of Map Change process.

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. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, and pursuant to Section 10.06 the City shall apply for a Letter of Map Revision from FEMA. Any such alteration must be reviewed and approved by FEMA and the DNR through the Letter of Map Change process.

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 HealthServices.

2. A Land Use Permit for the campground is issued by the 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 Services and all other applicable regulations.

6. Only camping units hat are fully licensed, if required, and ready for highway use are allowed.

7. The camping units shall 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 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 flood as shown on the Flood Insurance Rate Map or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study and are shown as AE, A 1-30, and AH Zones on the Flood Insurance Rate Map. Other regulatory zones are displayed as A and AO Zones. Regional Flood Elevations may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

SECTION 3.0
ZONING DISTRICTS

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, "Flood Insurance Rate Maps - City of Kenosha, Wisconsin", dated June 19, 2012, 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 include the AE Zones where floodway have not been determined 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 Flood Insurance Rate

Maps.

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.

1. The Kenosha County floodplain zoning provisions in effect on the date of annexation consolidation shall remain in effect and shall be enforced by the municipality for all annexed or consolidated areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program. These annexed or consolidated lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2. 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 Administrator. All plats or maps of annexations shall show the Regional Flood Elevation and location of the floodway.

3.02 ZONING MAP

A. Incorporation. The Official Zoning Map, the Flood Insurance Rate Maps andthe 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 Community Development and Inspections. The Flood Insurance Rate Map which will be effective June 19, 2012, Panel Numbers 55059C0088D, 55059C0089D, 55059C0177D, 55059C0178D, 55059C0179D, 55059C0181D, 55059C0182D, 55059C0183D, 55059C0184D, 55059C0192D, 55059C0201D, 55059C0202D, 55059C0204D, 55059C0208D, 55059C0211D, 55059C0212D, 55059C0216D, with corresponding profiles that are based on the Flood Insurance Study which will be effective June 19, 2012, 55059CV001A & 55059CV002A 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 Community Development and Inspections 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 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 unitl 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 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 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 Administrator and an applicant over the district boundary line shall be settled according to **Section 9** and the criteria in **a.** and **b.** below. Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, FEMA must also approve any map amendment pursuant to Section 10.06 A.6.

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 for projects, the location of the boundary shall be determined by the map scale.

E. Official Maps and Revisions

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A 1-30 on the maps based on the Flood Insurance Study listed below. Any change to the base flood elevations or any changes to the boundaries of the floodplain or floodway in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process before it is effective. No changes to Regional Flood Elevations on non-FEMA maps shall be effective until approved by the WDNR.

3.03 RESIDENTIAL ZONING DISTRICTS-GENERAL REGULATIONS

In addition to the general provisions contained in **§2.0** of this Ordinance and the requirements of the respective zoning district, uses of land in the residential zoning districts shall meet the following general regulations:

A. Number of Buildings Per Lot. Every building hereafter erected shall be located on a lot as herein defined. Only one (1) principal building shall be erected, located or moved onto a lot in the RR-1, RR-2, RR-3, Rs-1, Rs-2, Rs-3, Rd, Rg-l and Rg-2 Residential Districts. No accessory building or structure shall be erected, located or moved onto a lot in any residential district until a principal building is present or under construction.

B. Lot Coverage. No lot zoned Rs-1, Rs-2, Rs-3, Rg-1 and Rg-2 may be covered with any combination of buildings, structures, driveway aprons, sidewalks, swimming pools, or other surfaces which are impervious to water, the sum surface of which exceeds sixty (60%) percent of the total lot area.

No lot zoned Rd, RR-1, RR-2 and RR-3 may be covered with any combination of buildings, structures, driveway aprons, sidewalks, swimming pools, or other surfaces which are impervious to water, the sum surface of which exceeds fifty (50%) percent of the total lot area.

C. Minimum Lot Area and Width Exceptions.

1. Lots in the RR-1, RR-2 and RR-3 Residential Districts.

a. A lot which does not meet the minimum lot area and/or the width requirements of the RR-1, RR-2 and RR-3 Residential Districts, but which is at least five thousand (5,000) square feet in area (public sewerage) or ten thousand (10,000) square feet in area (private sewerage system) and a minimum of fifty (50) feet wide (public sewerage) or sixty-five (65') feet (private sewerage system), may be used as a single family building site and shall be considered in conformance with this Ordinance, provided that the lot is of record in the Kenosha County Register of Deeds Office prior to November 5, 1984.

b. Lots in the Rs-1 and Rs-2 Residential Districts. A lot which does not meet the minimum lot area and/or the width requirements of the Rs-1 and Rs-2 Residential Districts, but which is at least five thousand (5,000) square feet in area and forty (40') feet wide may be used as a single family building site and shall be considered in conformance with this Ordinance, provided that the lot is of record in the Kenosha County Register of Deeds Office prior to November 5, 1984.

2. Lots in the Rs-3, Rg-1 and Rg-2 Residential Districts. A lot which is within the Rs-3, Rg-1 or Rg-2 Residential Districts which does not meet the district minimum lot area and/or width requirements, may be used as a single-family building site and shall be considered in conformance with this Ordinance provided that the lot is of record in the Kenosha County Register of Deeds Office prior to October 21, 1954.

3. Lots in the Rd Residential District. A lot which does not meet the minimum lot area and/or width requirements of the Rd Residential District, but which is at least six thousand (6,000) square feet in area and fifty (50) feet wide may be used as a single or two family building site and shall be considered in conformance with this Ordinance, provided that the lot is of record in the Kenosha County Register of Deeds Office prior to November 5, 1984.

4. Minimum Lot Width for Lots on Curved Streets and Cul-de-Sacs. Where a lot fronts on a curved street or cul-de-sac, the lot shall maintain a lot width, measured at the front yard building line, equal to the minimum lot width required in the residential district. Nevertheless, such lots shall provide a minimum lot width of ten (10') feet at street frontage.

D. Exceptions to Yard Requirements.

1. Front Yard. As measured along the street frontage of the right of way of a block bounded by intersecting

cross streets, if a majority of lots have a front yard other than the required front yard, no principal building may be erected or structurally altered unless the setback is equal to the average setbacks of the two nearest residential developed lots on either side of the subject lot sharing the same street frontage which are most nearly adjacent to the subject lot.

Corner lots subject to this Paragraph D.1 shall comply using as an average setback, the averages of the most nearly adjacent lot along the subject frontage and the lot directly across the street of the subject frontage sharing the same street frontage.

2. Side Yards.

a. Interior Side Yards.

(1) On a residential lot which provides an interior side yard less than required by this Ordinance, an addition to that side of the building is permitted provided such addition is no closer to the side lot line than the existing building line and provided that the building provides the minimum interior side yard outlined in this Section. This requirement shall also apply to decks.

(2) A residential lot which does not meet the minimum lot width requirements of the RR-1, RR-2, RR-3, Rs-1, Rs-2, Rd or Rm-2 Districts may have a reduced interior side yard requirement provided that the lot provides the minimum interior side yard outlined in this Section.

(3) Minimum Interior Side Yards. For existing buildings, structures and lots within the RR-1, RR-2, RR-3, Rs-1, Rs-2, Rs-3, Rg-1, Rg-2, Rd, Rm-1 and Rm-2 Districts which do not meet the minimum lot width requirements of the District, no interior side yard shall be less than outlined in this Section.

District Minimum Side Yards

RR-1	16% of the lot width on each side, but no less than 5 feet
RR-2	16% of the lot width on each side, but no less than 5 feet
RR-3	16% of the lot width on each side, but no less than 5 feet
RS-1	5 feet
RS-2	5 feet
RS-3	5 feet
RD	5 feet one-story, 10 feet two or more stories
RG-1	5 feet one-story, 8 feet two or more stories
RG-2	5 feet one-story, 8 feet two or more stories, or 0 feet for single family attached residences located adjacent to a single family attached residence
RM-1	5 feet one-story, 10 feet two-stories
RM-2	5 feet one-story, 10 feet two-stories, 12 feet three-stories, 14 feet four or more stories, plus 2 feet for each story over four

(4) Notwithstanding the above provisions, for buildings within the Rd, Rg-1, Rg-2, Rm-1 or Rm-2 Districts, a minimum five (5) foot interior side yard shall be provided if the proposed addition is solely limited to the second story.

b. Street Side Yards.

(1) On a residential lot where a building line is in existence prior to November 5, 1984, which provides a street side yard less than twelve and one-half (12.5) feet, an addition is no closer to the street side lot line than the existing building line and provided that the building is at least five (5') feet from the street right-of-way or from the setback line of any major street.

(2) Nothing in this Ordinance shall be interpreted as to reduce the buildable width of a corner lot to less than twenty-four (24') feet.

c. Rear Lot Access. Notwithstanding the provisions of this Ordinance, on lots in a residential district, a minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley. Where a building line is in existence which provides a rear lot access less than nine (9') feet, an addition to that side of the building is permitted provided such addition is no closer to the side lot line than the existing building line and provided that the building provides the minimum interior side yard outlined in this Section.

3. Rear Yard.

a. Lots in the Rs-1 and Rd Districts.

(1) A principal building located in the Rs-1 or the Rd District which does not meet the applicable minimum rear yard requirement of the Rs-1 or the Rd District, but which provides at least a twenty-five (25) foot rear yard, may be added to or reconstructed and shall be considered in conformance with this Ordinance provided that the minimum twenty-five (25) foot rear yard is maintained.

(2) A residential lot located in the Rs-1 or the Rd District which provides less than one hundred (100') feet in lot depth, may have a minimum rear yard depth of twenty-five (25') feet.

b. Residences with Attached Garages on Corner Lots. On a corner lot in a residential district, where a residential building has an attached garage, the rear yard requirement for the attached garage may be reduced to a minimum five (5') feet. This exception shall only apply to the attached garage and not to the remainder of the principal building.

4. Accessory Buildings or Structures.

a. On a residential lot where an accessory building line is in existence, which provides an accessory yard less than required by this Ordinance, an addition to the accessory building or structure is permitted and the accessory building or structure may be reconstructed provided such addition or reconstruction is no closer to any lot line than the existing accessory building line, provided that a minimum two (2) foot accessory yard is maintained and provided that the accessory building or structure is in conformance with all other provisions of this Ordinance.

b. On residential lots providing less than ninety-six (96') feet in lot depth, an accessory building or structure may extend into the required accessory front yard, provided that the accessory front yard is not reduced to a dimension less than one-half (1/2) the lot depth or less than the required principal front yard, provided the other accessory yards are maintained and provided the building or structure does not exceed twenty-four (24') feet in depth.

c. Lot widths of less than forty (40') feet shall have a minimum street side yard setback of eighteen (18') feet, provided the two (2') foot minimum side yard setback is maintained for accessory buildings.

d. Accessory Building Size Limitations for Residentially Zoned Properties. The total ground area covered by all accessory buildings associated with one and two family residential properties shall not exceed fifteen (15%) percent of the lot area or eight hundred forty (840) square feet, whichever is less. In no case shall a detached covered accessory structure within the RS-3, RG-1 or RG-2 Districts have a larger footprint than the footprint of the principal building. Furthermore, an attached accessory structure within the RS-3, RG-1 or RG-2 Districts shall not have a larger footprint than the footprint of the living area of the principal building. The total ground area covered by all accessory buildings in multifamily residential developments shall not exceed fifteen (15%) percent of the lot area, unless approved under a Conditional Use Permit.

5. Decks. A deck shall not be closer than five (5') feet to an interior side property line, nor closer than fifteen (15') feet to a rear property line.

6. Nonconforming Buildings and Structures. Buildings or structures which were nonconforming as to yard requirements, and which continue to be nonconforming as to yard requirements established by this Ordinance, shall continue to be considered nonconforming and shall not be entitled to the yard exceptions outlined in this Section. Repairs, alterations and additions are permitted to nonconforming buildings and structures as provided in **Section 7.0** of this Ordinance.

E. Building Height Exceptions.

1. Single Family Residences. Single family residences in the RR-1, RR-2, RR-3, Rs-1, Rs-2, Rs-3 and Rg-1 Districts may be increased in height by not more than ten (10') feet above the district height limit when interior side yards are increased to a minimum fifteen (15') feet provided that such residences shall not exceed forty-five (45') feet in height.

2. Antennas. Television and radio receiving antennas, used exclusively for a residence, may be erected to a height which exceeds the height limit established for any residential district, but in no instance may exceed

forty-five (45') feet in height.

3. Secondary Religious Facilities. Accessory secondary religious facilities servicing a religious institution located in a residential district may be erected to a height which exceeds the accessory building height limit established for the district, but shall not exceed the principal building height limit established for the district.

F. Special Exceptions - Residential Accessory Building or Structures. A Special Exception from the eight hundred forty square foot limitation of Subparagraph 3.03 D.4.d. or the height restrictions for an accessory building or structure may be granted where such Special Exception(s) will not be contrary to the spirit and purpose of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Application Procedure. Any application for a Special Exception shall be submitted on forms

provided by the Administrator. The application must be filed with the Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the Department of Community Development and Inspections indicating payment of the $500.00 application fee. The Administrator or designee thereof, shall prepare a written report and make a recommendation to the Committee on Public Safety and Welfare, said report and recommendation shall be submitted within thirty (30) days of receipt of the application. At its next regularly scheduled meeting, the Committee shall recommend to the Common Council either the granting or denial of the application. The Common Council, within sixty (60) days of receipt of the application, shall grant or deny a Special Exception after conducting a public hearing.

G. Home Occupations.

1. Purpose. It is the intent of this Section to permit home occupations in any residential dwelling, provided such uses conform to the standards and conditions set forth in this Section. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor would not be aware of said use other than for a name plate as herein permitted. The standards and conditions for home occupations in this Section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood.

2. Definition. "Home Occupation" means any business profession, trade or employment conducted in a person's residential dwelling which may involve that person's immediate family and/or household who reside in that residential dwelling and a maximum of one (1) other unrelated person at any one (1) time, but does not include a business involving:

a. Explosives, fireworks, or repair of motor vehicles; or,

b. More than twenty-five (25%) percent of the habitable floor area of the dwelling.

3. Standards for Home Occupations. Home occupations are permitted accessory uses in a residential dwelling only when said use:

a. Is not detrimental to the public health, safety and welfare;

b. Will not impair the basic character of the residential district;

c. Will not cause, create, or result in noxious or unpleasant loud noises;

d. Will not create greater risk of disease, fire, explosion, or other hazard than that which is common to a residential neighborhood;

e. Will not involve the permanent or temporary piling or storing of any goods, merchandise, filled or empty containers, tools, or equipment about the exterior of said premises;

f. Will not involve the parking of construction equipment on or about the property; and,

g. Will not cause parking or traffic congestion in the vicinity.

4. Necessary Conditions. Home occupations are permitted accessory uses in residential districts only so long as all of the following conditions are observed:

a. The occupation is conducted in accordance with the Zoning Ordinance and Code of General Ordinances;

b. The occupation is clearly incidental and secondary to the principal use of the residential building for residential purposes;

c. The Home Occupation shall not require internal or external alterations, or involve construction features not customary in a residential building in a residential district;

d. No mechanical or electrical equipment shall be employed in a home occupation other than machinery or equipment ordinarily designed for use in a residence in a residential district, or associated with a home hobby or avocation not conducted for gain or profit;

e. No storage of flammable, toxic or hazardous substances other than such substances customarily used in the conduct of a residence in a residential district or associated with a home hobby not conducted for gain or profit. Other substances customarily used in the occupation may be stored on the premises if approved in writing by the Fire Chief, or designee thereof. The Fire Chief, or designee thereof, may, by written order, limit the nature, quantity, and means of storage of any such substance;

f. No outdoor or window display of goods or outside storage of equipment or materials used in the

home occupation shall be permitted;

g. No stock in trade shall be manufactured, displayed, sold or stored on the premises, except as follows. Arts and crafts may be manufactured on the premises. Arts and crafts manufactured on the premises may be displayed, sold and stored on the premises. Other stock in trade shall not be manufactured, sold or stored on the premises, but may be displayed on the premises as a sample. Orders for such other stock in trade may be taken and stock in trade may be delivered to premises provided the manner and frequency of delivery shall not impair the residential character of the premises. Bulk delivery from semi-trailers is prohibited.

h. No sign shall be permitted except in accordance with the provisions of **§3.03** of this Ordinance.

5. Nameplate Allowed. Only one (1) nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g., John Jones, Realtor). It shall not exceed one (1) square foot in area, shall be nonilluminated, and attached flat to the principal structure or visible through a window. The limitation to one (1) nameplate is intended to apply to all lots, including corner lots.

6. Permitted Home Occupations. Home occupations may include the following, but only when in compliance with the previously listed standards and conditions and when no more than six (6) persons (not including nonparticipating parents or legal guardians of minor children) not residing in the residential building are on the premises at any one time for purposes associated with the Home Occupation. Nothing contained herein shall limit the number of persons who, on an incidental and occasional basis, frequent the residence of a person not residing on the premises wherein the home occupation is conducted, for the purpose of the person involved in the home occupation conducting a show or demonstration and taking orders for stock in trade. **"Incidental and occasional"** shall mean one (1) day or less per calendar month. **"Associated with"** shall mean to be a customer, patron, student or attendee of a meeting.

a. Artists, sculptors and photographers.

b. Authors and composers.

c. Dressmakers, seamstresses, and tailors.

d. Child or adult day care.

e. Arts and crafts.

f. Office facility of a minister, rabbi, priest, or other clergy.

g. Office facility of a salesman, sales representative, or manufacturer representative provided that no retail or wholesale transactions are made on the premises.

h. Office facility of an architect, attorney broker, engineer, instructor in arts and crafts, insurance agent, interior designer, land surveyor, marketing analyst or musician.

i. Classes of instruction in areas in fields such as liberal arts, science, engineering, religion, business or physical education.

j. Facility for the repair of electronic and communication equipment.

k. Sale and distribution of products not manufactured in the residence where the marketing of said products is through home-oriented sales on an appointment basis.

l. Noncommercial Kennel in a single family residence where licensed under §14.015 of the Code of General Ordinances and in compliance with the requirements thereof, subject to the following conditions:

(a) The number of dogs and cats shall not exceed the number for which the premises is licensed under 14.015 of the Code of General Ordinances.

(b) Dogs and cats may be kept in a fenced in rear yard or an outdoor kennel in a rear yard only during daylight hours.

(c) Compliance with State and City laws regulating dogs and cats.

(d) The maintenance of a record of all dogs and cats kept on premises, identifying name, breed, color and sex.

(e) The maintenance of an adoption log identifying adoption activity and dogs and cats adopted, date of adoption and name and address of persons adopting animals.

(f) The rear yard must be fenced to contain dogs and cats, unless kept in an outdoor kennel. The fence must be of a size and construction sufficient to contain the type of dogs and cats kept. The fence must be straight and well maintained.

(g) Dogs and cats with communicable diseases must be segregated in separate enclosures, and kept

away from children where the disease may be spread to children.

(h) Dogs and cats must be spayed and neutered.

(i) Animals must be professionally tested by a doctor of veterinary medicine for disease. These tests should include, but not be limited to, feline leukemia, feline HIV, and heartworms. Adequate and contemporaneous medical records must be maintained for all animals kept on premise for the above mentioned testing.

(j) Any other unlisted occupation which meets the standards for Home Occupations.

7. Family Day Care Homes. Notwithstanding the above, Family Day Care Homes licensed by the State Department of Health and Social Services or certified by Kenosha County, shall be governed by §48.65 and §66.304, Wisconsin Statutes, and HHS 55 of the Wisconsin Administrative Code, and such other State law, rule or regulation, as may be applicable. Any standard or requirement of this Section which is inconsistent with any State law, rule or regulation will be deemed superseded thereby.

8. Occupancy Permit Required. A Certificate of Occupancy for every home occupation shall be obtained in accordance with **§8.04** of this Ordinance. A Certificate of Occupancy, upon notice and opportunity to be heard, may be revoked by the Administrator for noncompliance with the Standards for Home Occupations. The decision of the Administrator may be appealed to the Zoning Board of Appeals in accordance with this Zoning Ordinance.

9. Variance. The Zoning Board of Appeals may grant a variance from the provisions of this Section which impose a limit on the number of persons authorized to be involved in or associated with a Home Occupation; which limit a Home Occupation to the principal residential building; and, which limit a Home Occupation to twenty-five (25%) percent of the habitable floor area of the dwelling, provided the variance will not result in a violation of the standards for Home Occupations.

H. Rezonings to the Rs-3, Rg-1, or Rg-2 Districts Restricted. Land may be rezoned to the Rs-3, Rg-1 or Rg-2 Districts if both of the following conditions are met:

1. Subject property is contiguous to the RS-3, RG-1 or RG-2 District, or is located within one hundred (100') feet of a property zoned RS-3, RG-1 or RG-2; and,

2. Subject property was located within the Kenosha City limits on or before May 1, 1988.

I. Design Standards. The design standards for attached garages, garage door placement, roof element/composition, building facade/composition and windows in the RR-1, RR-2, RR-3, RS-1, RS-2 and RD Zoning Districts are not applicable for subdivisions with recorded Developers' Agreements.

3.031 RR-1 RURAL SINGLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RR-1 Rural Single Family Residential District is to provide for single family residential development, in a predominately rural setting, at densities not to exceed 1.1 dwelling units per acre.

A. Permitted Uses.

1. Community Living Arrangements with a capacity of eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
2. Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants which are in conformance with Wisconsin Statutes.
3. Single family residence.
4. Essential services.

B. Permitted Accessory Uses.

1. Gardening, tool and storage sheds incidental to the residential use.
2. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
3. Garages and carports; private, noncommercial.

C. Conditional Uses. (See **§4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for fifteen (15) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.
2. Wind energy conversion systems.
3. Utility substations.
4. Storm water detention and retention basins.
5. All non-conforming residential uses in effect at the time of seeking a Conditional Use

D. Lot Area and Width. Lots shall be a minimum of forty thousand (40,000) square feet in area and shall not be less than one hundred fifty (150') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of sixty-five (65') feet from the right-of-way of all Federal, State and County Trunk Highways and thirty (30') feet from all other roads.
2. Side Yard. There shall be a minimum side yard of fifteen (15') feet in width on each side of all structures.
3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.
4. Shore Yard. There shall be a minimum shore yard of seventy-five (75') feet from the ordinary high water mark of any navigable water.

G. Authorized Sanitary Sewer System.

1. On-site sewage disposal system.
2. Public sanitary sewer.

H. Attached Garages.

1. Side-loaded Garages. Side-loaded garages shall be designed to be integral with the design features of the portion of the principal building having livable space. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall include at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the front facade of the portion of the principal building having livable space.

2. Front-facing Garages. Front-facing garages may extend a maximum of ten feet (10') in front of the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

a. Width shall be restricted to a maximum of sixty percent (60%) of the total width of the principal building.

b. The primary entrance is emphasized by a covered porch or stoop having a minimum area equal to fifty percent (50%) of the width of the garage, a minimum area of twenty-five square feet (25 sq.'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

I. Building Composition and Character.

1. Roof Element/Composition. The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the facade(s) of the building, measured vertically from the ground level of the facade(s) to the lowest portion of the roof(s).

2. Building Facade-Composition. All buildings shall have a primary entrance facing a public street. Corner lots are only required to have one (1) primary entrance facing a public street.

3. Windows.

a. Minimum Opening Requirements. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

b. Exceptions.

(1) Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

(2) A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

J. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting street(s); and, all principal and accessory structures located across the street(s) from the subject property, to the next intersecting street(s). Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than

one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Presence of Porches. A porch shall be required where porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

This Section shall not apply where the minimum standards identified in Sections H through J are not met in surrounding structures.

3.032 RR-2 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RR-2 Suburban Single family Residential District is to provide for single family residential development in suburban settings at densities not to exceed 2.6 dwelling units per acre served by public sanitary sewage facilities.

A. Permitted Uses.

1. Community Living Arrangements with a capacity of eight (8) or fewer persons which are in conformance with §62.23 (7) (i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
2. Foster family homes housing less than four (4) foster children and not exceeding eight (8) total occupants which are in conformance with Wisconsin Statutes.
3. Single family residence.
4. Essential services.

B. Permitted Accessory Uses.

1. Gardening, tool and storage sheds incidental to the residential use.
2. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
3. Garages and carports; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for fifteen (15) or fewer persons which are in conformance with §62.23 (7) (i), Wisconsin Statutes.
2. Utility substations.
3. Storm water detention and retention basins.
4. All non-conforming residential uses in effect at the time of seeking a Conditional Use

D. Lot Area and Width. Lots shall be a minimum of seventeen thousand (17,000) square feet in area and shall be ninety (90') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of sixty-five (65') feet from the right-of-way of all Federal, State and County Trunk Highways and thirty (30') feet from all other roads.
2. Side Yard. There shall be a minimum side yard of ten (10') feet in width on each side of all structures.
3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.
4. Shore Yard. There shall be a minimum shore yard of seventy-five (75') feet from the ordinary high water mark of any navigable water.

G. Authorized Sanitary Sewer System.

1. Public sanitary sewer.
2. On-site sewage disposal system.

H. Attached Garages.

1. Side-loaded Garages. Side-loaded garages shall be designed to be integral with the design features of the portion of the principal building having livable space. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall include at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the front facade of the portion of the principal building having livable space.

2. Front-facing Garages. Front-facing garages may extend a maximum of ten feet (10') in front of the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

a. Width shall be restricted to a maximum of sixty percent (60%) of the total width of the principal building.

b. The primary entrance is emphasized by a covered porch or stoop having a minimum area equal to fifty percent (50%) of the width of the garage, a minimum area of twenty-five square feet (25 sq.'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

I. Building Composition and Character.

1. Roof Element/Composition. The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the facade(s) of the building, measured vertically from the ground level of the facade(s) to the lowest portion of the roof(s).

2. Building Facade/Composition. All buildings shall have a primary entrance facing a public street. Corner lots are only required to have one (1) primary entrance facing a public street.

3. Windows.

a. Minimum Opening Requirements. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

b. Exceptions.

(1) Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

(2) A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

J. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting street(s); and, all principal and accessory structures located across the street(s) from the subject property, to the next intersecting street(s). Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Presence of Porches. A porch shall be required where porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

This Section shall not apply where the minimum standards identified in Sections H through J are not met in surrounding structures.

3.033 RR-3 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RR-3 Urban Single Family Residential District are intended to provide for single family residential development, at densities not to exceed 4.4 dwelling units per acre.

A. Permitted Uses.

1. Single family residences.
2. Agriculture.
3. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
4. Historic monuments.

B. Permitted Accessory Uses.

1. Agricultural buildings and structures.
2. Boathouses; private, noncommercial.
3. Garages and carports; private, noncommercial.
4. Greenhouses; private, noncommercial.
5. Home Occupations, as permitted in **§3.03 E.** of this Ordinance.
6. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, in conformance with **§6.01** of this Ordinance.
7. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building or premises.
8. Roadside stands for display and sale of agricultural products on lots where the principal use is agriculture, in conformance with **§2.02 A.4.** of this Ordinance.
9. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
10. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures.)

1. Community Living Arrangements with a capacity for greater than eight (8) persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.
2. Planned developments, as permitted in **§3.22** of this Ordinance.
3. Utility substations.
4. Storm water detention and retention basins.
5. All non-conforming residential uses in effect at the time of seeking a Conditional Use
D. Lot Area And Width. Lots shall be a minimum of ten thousand (10,000) square feet in area and shall not be less than eighty (80') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height, except for accessory agricultural buildings or structures which may be erected to a height not to exceed thirty-five (35') feet.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of ten (10') feet. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

3. Rear Yard. There shall be a minimum rear yard of thirty (30') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. Accessory roadside agricultural stands shall provide a minimum accessory front yard of twenty-five (25') feet.

b. Accessory Side Yards.

(1) Accessory Interior Side Yards. There shall be a minimum accessory interior side yard of four (4') feet.

(2) Accessory Street Side Yard. There shall be a minimum street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of four (4') feet, except that where a rear lot line in an RR-3 District fronts on a street and where a side lot line in the RR-3 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed closer than five (5') feet to any principal building or structure on the lot.

e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Attached Garages.

1. Side-loaded Garages. Side-loaded garages shall be designed to be integral with the design features of the portion of the principal building having livable space. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall include at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the front facade of the portion of the principal building having livable space.

2. Front-facing Garages. Front-facing garages may extend a maximum of ten feet (10') in front of the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

a. Width shall be restricted to a maximum of sixty percent (60%) of the total width of the principal building.

b. The primary entrance is emphasized by a covered porch or stoop having a minimum area equal to fifty (50%) percent of the width of the garage, a minimum area of twenty-five square feet (25 sq.'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Building Composition and Character.

1. Roof Element/Composition. The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the facade(s) of the building, measured vertically from the ground level of the facade(s) to the lowest portion of the roof(s).

2. Building Facade/Composition. All buildings shall have a primary entrance facing a public street. Corner lots are only required to have one (1) primary entrance facing a public street.

3. Windows.

a. Minimum Opening Requirements. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

b. Exceptions.

(1) Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

(2) A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting street(s); and, all principal and accessory structures located across the street(s) from the subject property, to the next intersecting street(s). Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Presence of Porches. A porch shall be required where porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

This Section shall not apply where the minimum standards identified in Sections H through J are not met in surrounding structures.

3.04 RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the Rs-1 Single Family Residential District are intended to provide for single family residential development, at densities not to exceed 5.5 dwelling units per acre.

A. Permitted Uses.

1. Single-family residences.
2. Agriculture.
3. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
4. Residential quarters for domestic help. Such quarters are permitted to be located on the same lot with a single-family residence.
5. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
6. Historic monuments.
7. Public service buildings and uses, limited to fire and police stations and public emergency centers.
8. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
9. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Agricultural buildings and structures.
2. Boathouses; private, noncommercial.
3. Garages and carports; private, noncommercial.
4. Greenhouses; private, noncommercial.
5. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
6. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, in conformance with **§6.01** of this Ordinance.
7. Outdoor Signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building or premises.
b. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds, and historic monuments.
c. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
8. Roadside stands for the display and sale of agricultural products on lots where the principal use is agriculture, in conformance with **§2.02 A.4.** of this Ordinance.
9. Secondary religious facilities.
10. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
11. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than eight (8) persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.

2. Planned developments, as permitted in **§3.22** of this Ordinance.
3. Utility substations.
4. Storm water detention and retention basins.
5. All non-conforming residential uses in effect at the time of seeking a Conditional Use

D. Lot Area and Width. Lots shall be a minimum of eight thousand (8,000) square feet in area and shall not be less than seventy (70') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height, except for accessory agricultural buildings or structures which may be erected to a height not to exceed thirty-five (35') feet.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.
2. Side Yards.
a. Interior Side Yard. There shall be a minimum interior side yard of eight (8') feet. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.
b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.
c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.
3. Rear Yard. There shall be a minimum rear yard of thirty (30') feet.
4. Accessory Buildings, Structures or Uses.
a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. Accessory roadside agricultural stands shall provide a minimum accessory front yard of twenty-five (25') feet.
b. Accessory Side Yards.
(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of four (4') feet.
(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.
c. Accessory Rear Yard. There shall be a minimum accessory rear yard of four (4') feet, except that where a rear lot line in an RS-1 District fronts on a street and where a side lot line in the Rs-1 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.
d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.
e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Attached Garages.

1. Side-loaded Garages. Side-loaded garages shall be designed to be integral with the design features of the portion of the principal building having livable space. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall include at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the front facade of the portion of the principal building having livable space.

2. Front-facing Garages.

a. HPO Zoned Properties. Front-facing garages shall be required to be located a minimum of ten (10') feet behind the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

(1) Width shall be restricted to a maximum of fifty percent (50%) of the total width of the principal building.

(2) The primary entrance is emphasized by a covered porch or stoop having a minimum area of twenty-five feet (25'), a minimum depth of six feet (6'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

b. All Other Properties. Front-facing garages may extend a maximum of ten feet (10') in front of the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

(1) Width shall be restricted to a maximum of sixty percent (60%) of the total width of the principal building.

(2) The primary entrance is emphasized by a covered porch or stoop having a minimum area equal to fifty percent (50%) of the width of the garage, a minimum area of twenty-five square feet (25 sq.'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Building Composition and Character.

1. Roof Element/Composition. The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the facade(s) of the building, measured vertically from the ground level of the facade(s) to the lowest portion of the roof(s).

2. Building Facade/Composition. All buildings shall have a primary entrance facing a public street. Corner lots are only required to have one (1) primary entrance facing a public street.

3. Windows.

a. Minimum Opening Requirements. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

b. Exceptions.

(1) Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

(2) A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting street(s); and, all principal and accessory structures located across the street(s) from the subject property, to the next intersecting street(s). Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Presence of Porches. A porch shall be required where porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

This Section shall not apply where the minimum standards identified in Sections H through J are not met in surrounding structures.

3.05 RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RS-2 Single-Family Residential District are intended to provide for single family residential development, at densities not to exceed 6.2 dwelling units per acre.

A. Permitted Uses.

1. Single-family residences.
2. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
3. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
4. Historic monuments.
5. Public service buildings and uses, limited to fire and police stations and public emergency centers.
6. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
7. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, in conformance with **§6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building or premises.
b. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds and historic monuments.
c. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
7. Secondary religious facilities.
8. Swimming pools; private noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than eight (8) persons which are in conformance with §62.23 (7) (i), Wisconsin Statutes.
2. Planned developments, as permitted in **§3.22** of this Ordinance.
3. Utility substations.
4. Storm water detention and retention basins.
5. All non-conforming residential uses in effect at the time of seeking a Conditional Use

D. Lot Area and Width. Lots shall be a minimum of seven thousand (7,000) square feet in area and

shall not be less than sixty (60') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.

2. Side Yards.

a. Interior Side Yards. There shall be a minimum interior side yard of five (5') feet. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of three (3') feet.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of three (3') feet, except that where a rear lot line in the Rs-2 District fronts on a street and where a side lot line in the Rs-2 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Attached Garages.

1. Side-loaded Garages. Side-loaded garages shall be designed to be integral with the design features of the portion of the principal building having livable space. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall include at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the front facade of the portion of the principal building having livable space.

2. Front-facing Garages.

a. HPO Zoned Properties. Front-facing garages shall be required to be located a minimum of ten (10') feet behind the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

(1) Width shall be restricted to a maximum of fifty percent (50%) of the total width of the principal building.

(2) The primary entrance is emphasized by a covered porch or stoop having a minimum area of

twenty-five feet (25'), a minimum depth of six feet (6'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

b. All Other Properties. Front-facing garages may extend a maximum of ten feet (10') in front of the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

(1) Width shall be restricted to a maximum of sixty percent (60%) of the total width of the principal building.

(2) The primary entrance is emphasized by a covered porch or stoop having a minimum area equal to fifty percent (50%) of the width of the garage, a minimum area of twenty-five square feet (25 sq.'), and includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Building Composition and Character.

1. Roof Element/Composition. The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the facade(s) of the building, measured vertically from the ground level of the facade(s) to the lowest portion of the roof(s).

2. Building Facade/Composition. All buildings shall have a primary entrance facing a public street. Corner lots are only required to have one (1) primary entrance facing a public street.

3. Windows.

a. Minimum Opening Requirements. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

b. Exceptions.

(1) Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

(2) A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting street(s); and, all principal and accessory structures located across the street(s) from the subject property, to the next intersecting street(s). Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Presence of Porches. A porch shall be required where porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

This Section shall not apply where the minimum standards identified in Sections H through J are not met in surrounding structures.

3.06 RS-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RS-3 Single Family Residential District are intended to provide for single family residential development. The district is intended to incorporate existing and new single family neighborhoods which are characterized by smaller lots located generally in the central area of the City. Land may only be rezoned to the RS-3 District in accordance with **Section 3.03.**

A. Permitted Uses.

1. Single-family residences.
2. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
3. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
4. Historic monuments.
5. Public service buildings and uses, limited to fire and police stations and public emergency centers.
6. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
7. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, in conformance with **§6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building on premises and bed and breakfast establishments.
b. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds, and historic monuments.
c. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
d. Signs, not exceeding four (4) square feet in area per lot identifying a permitted transitional parking facility.
7. Secondary religious facilities.
8. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than eight (8) persons in conformance with §62.23 (7)(i), Wisconsin Statutes.
2. Transitional parking spaces and facilities for a business, manufacturing or institutional use, in conformance with **§4.06 A.6.** of this Ordinance.

3. Transitional two-family residence on a lot which is adjacent to or across an alley from a less restrictive zoning district, (all basic zoning districts, except the Rs-1, Rs-2 and I-P Districts.)

4. Utility substations.

5. Storm water detention and retention basins.

6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width. Lots shall be a minimum of five thousand (5,000) square feet in area and shall not be less than forty (40') feet in width, except for lots used for a transitional two-family residence, which shall be a minimum six thousand (6,000) square feet in area, providing three thousand (3,000) square feet in area per dwelling unit, and shall not be less than fifty (50') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a build-to line of fifteen (15') feet, measured from the front lot line, or from the setback line of any major street for new principal structures, except where the front yard is determined under **Section 3.03 D.1.** A minimum of fifty (50%) percent of the principal building width, measured at the ground level, shall be located on the build-to line, or the average front yard determined under **Section 3.03 D.1.**

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of five (5') feet, except for two-or more story transitional two-family residences, which shall provide a minimum interior side yard of ten (10') feet. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2') feet.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street, except for detached garages. Detached garages may not be located closer to the street side yard than fifteen (15') feet.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet, except that where a rear lot line in the Rs-3 District fronts on a street and where a side lot line in the Rs-3 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Primary Entrance. The primary entrance of new principal buildings constructed after January 1, 2006, shall be located along a street-facing facade and shall be emphasized by a covered porch or stoop having a minimum area of twenty-five (25) square feet, with a minimum depth of six (6') feet. The roof over a required porch or stoop shall be no more than twelve (12') feet above the floor of the porch and be at least thirty (30%) percent solid. Porches or stoops shall be defined by columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Windows.

1. Minimum Opening Requirement. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story, with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

2. Exceptions.

a. Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

b. A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures built prior to November 5, 1984, as defined below. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting streets; and, all principal and accessory structures located across the street from the subject property, to the next intersecting streets. Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Attached Garages.

a. Side-loaded Garages. Side-loaded garages shall not have any wall closer to the front lot line than a point on the front facade of the remainder of the principal building having livable space that is nearest to the lot line. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall have at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the portion of the principal building having livable space. Notwithstanding the above, side-loaded garages may have a wall closer to the front lot line than a point on the front facade of the remainder of the principal building having livable space that is nearest to the lot line, when all of the following conditions are met:

(1) The lot has a slope steeper than twelve percent (12%) .

(2) Livable space is included above the side-loaded garage and has an exterior wall plane level with the build-to line of the garage.

(3) The livable space above the garage and the sidewall of the garage both have windows that match the windows used on the balance of the front facade containing livable space.

(4) There are a minimum of two (2) windows on the garage sidewall that faces the public right-of way.

(5) No portion of the sidewall visible to the public right-of way exceeds sixty percent (60%) of the total maximum width of the principal building.

b. Front-facing Garages. Front-facing garages shall be required to be located a minimum of ten

feet (10') behind the longest length of the front facade's livable space on the ground level, and its width shall be restricted to a maximum of fifty percent (50%) of the total width of the principal building.

3. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Raised Porches. A raised porch (porch raised above grade) shall be required where raised porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

3.07 RD TWO-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the Rd Two-Family Residential District are intended to provide for two-family residential development.

A. Permitted Uses.

1. Two-family residences.
2. Single-family residences.
3. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
4. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
5. Historic monuments.
6. Public service buildings and uses, limited to fire and police stations and public emergency centers.
7. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
8. Religious institutions including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, in conformance with **§6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building on premises and bed and breakfast establishments.
b. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds, and historic monuments.
c. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
7. Secondary religious facilities.
8. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than eight (8) persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.
2. Planned developments, as permitted in **§3.22** of this Ordinance.
3. Bed and Breakfast Establishment with no more than four (4) rooms available for lodging rental.
4. Utility substations.
5. Storm water detention and retention basins.
6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width. Lots shall be a minimum of eight thousand (8,000) square feet in area, two-family residences shall have four thousand (4,000) square feet in area per dwelling unit, and lots shall not be less than seventy (70') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of eight (8') feet for one-story buildings and ten (10) feet for two-or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

3. Rear Yard. There shall be a minimum rear yard of thirty (30') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2') feet.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet, except that where a rear lot line in the Rd District fronts on a street and where a side lot line in the Rd District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Attached Garages.

1. Side-loaded Garages. Side-loaded garages shall be designed to be integral with the design features of the portion of the principal building having livable space. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall include at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the front facade of the portion of the principal building having livable space.

2. Front-facing Garages. Front-facing garages may extend a maximum of ten feet (10') in front of the longest line of the front facade containing livable space on the ground level, and shall be subject to the following standards:

a. Width shall be restricted to a maximum of sixty percent (60%) of the total width of the principal building.

b. The primary entrance is emphasized by a covered porch or stoop having a minimum area equal to fifty percent (50%) of the width of the garage, a minimum area of twenty-five square feet (25 sq.'), and

includes columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Building Composition and Character.

1. Roof Element/Composition. The total height of the roof(s) from the lowest portion of the roof(s) to the ridge line shall be no greater than the height of the facade(s) of the building, measured vertically from the ground level of the facade(s) to the lowest portion of the roof(s).

2. Building Facade/Composition. All buildings shall have a primary entrance facing a public street. Corner lots are only required to have one (1) primary entrance facing a public street.

3. Windows.

a. Minimum Opening Requirements. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

b. Exceptions.

(1) Windows located in garage doors on attached garages shall not be counted toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

(2) A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting street(s); and, all principal and accessory structures located across the street(s) from the subject property, to the next intersecting street(s). Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Presence of Porches. A porch shall be required where porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

This Section shall not apply where the minimum standards identified in Sections H through J are not met in surrounding structures.

3.08 RG-1 GENERAL RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RG-1 General Residential District are intended to provide for single and two-family residential development. This district is intended to incorporate existing and new single and two-family neighborhoods, which are characterized by smaller lots located generally in the central area of the City. Land may only be rezoned to the RR-1 District in accordance with **Section 3.03.**

A. Permitted Uses.

1. Single-family residences.
2. Two-family residences.
3. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
4. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
5. Fraternity or sorority houses with a capacity for eight (8) or fewer roomers.
6. Historic monuments.
7. Offices of a state licensed health practitioner, such as a doctor, dentist, or chiropractor.
8. Public service buildings and uses, limited to fire and police stations and public emergency centers.
9. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
10. Religious institutions including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.
11. Bed and Breakfast Establishment with no more than four (4) rooms available for lodging rental.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, and in conformance with **§6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building on premises and bed and breakfast establishments.
b. Signs, not exceeding sixteen (16) square feet in area per lot, identifying permitted fraternity and sorority houses, and offices of a physician or dentist.
c. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds and historic monuments.
d. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
e. Signs, not exceeding four (4) square feet in area per lot, identifying a permitted transitional parking facility.
7. Secondary religious facilities.
8. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than eight (8) persons in conformance with §62.23 (7)(i), Wisconsin Statutes.

2. Transitional parking spaces and parking facilities for a business, manufacturing or institutional use, in conformance with **Section 4.06 A.6.** of this Ordinance.

3. Utility substations.

4. Rooming and boarding houses with capacity for eight (8) or fewer persons.

5. Storm water detention and retention basins.

6. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width. Lots shall be a minimum of five thousand (5,000) square feet in area and shall not be less than forty (40') feet in width, except for lots used for a two family residence, which shall be a minimum six thousand (6,000) square feet in area, providing three thousand (3,000) square feet in area per dwelling unit, and shall not be less than fifty (50') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a build-to line of fifteen (15') feet, measured from the front lot line, or from the setback line of any major street for new principal structures, except where the front yard is determined under **Section 3.03 D.1.** A minimum of fifty (50%) percent of the principal building width, measured at the ground level, shall be located on the build-to line, or the average front yard determined under **Section 3.03 D.1.**

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of five (5') feet for one-story buildings and eight (8') feet for two or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2') feet.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street, except for detached garages. Detached garages may not be located closer to the street side yard than fifteen (15') feet.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet, except that where a rear lot line in the Rg-1 District fronts on a street and where a side lot line in the Rg-1 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or

structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Primary Entrance. The primary entrance of new principal buildings constructed after January 1, 2006, shall be located along a street-facing facade and shall be emphasized by a covered porch or stoop having a minimum area of twenty-five (25) square feet, with a minimum depth of six (6') feet. The roof over a required porch or stoop shall be no more than twelve (12') feet above the floor of the porch and be at least thirty (30%) percent solid. Porches or stoops shall be defined by columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Windows.

1. Minimum Opening Requirement. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story, with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

2. Exceptions.

a. Windows located in garage doors on attached garages shall not be calculated toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

b. A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures built prior to November 5, 1984, as defined below. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting streets; and, all principal and accessory structures located across the street from the subject property, to the next intersecting streets. Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Attached Garages.

a. Side-loaded Garages. Side-loaded garages shall not have any wall closer to the front lot line than a point on the front facade of the remainder of the principal building having livable space that is nearest to the lot line. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall have at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the portion of the principal building having livable space. Notwithstanding the above, side-loaded garages may have a wall closer to the front lot line than a point on the front facade of the remainder of the principal building having livable space that is nearest to the lot line, when all of the following conditions are met:

(1) The lot has a slope steeper than twelve percent (12%) .

(2) Livable space is included above the side-loaded garage and has an exterior wall plane levelwith the build-to line of the garage.

(3) The livable space above the garage and the sidewall of the garage both have windows that match the windows used on the balance of the front facade containing livable space.

(4) There are a minimum of two (2) windows on the garage sidewall that faces the public right-of way.

(5) No portion of the sidewall visible to the public right-of way exceeds sixty percent (60%) of the total maximum width of the principal building.

b. **Front-facing Garages**. Front-facing garages shall be required to be located a minimum of ten feet (10') behind the longest length of the front facade's livable space on the ground level, and its width shall be restricted to a maximum of fifty percent (50%) of the total width of the principal building.

3. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Raised Porches. A raised porch (porch raised above grade) shall be required where raised porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

3.09 RG-2 GENERAL RESIDENTIAL DISTRICT

The primary purpose and characteristics of the RG-2 General Residential District are intended to provide for single, two and multiple family residential development. This district is intended to incorporate only existing and new single and two family residences and multiple family residences not to exceed five (5) dwelling units, which are generally characterized by smaller lots located generally in the central area of the City. Land may only be rezoned to the RG-2 District in accordance with **Section 3.03.**

A. Permitted Uses.

1. Single-family residences.
2. Two-family residences.
3. Community Living Arrangements with a capacity for fifteen (15) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.
4. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
5. Fraternity or sorority houses with a capacity for fifteen (15) or fewer persons.
6. Historic monuments.
7. Offices of a State licensed health practitioner, such as a doctor, dentist, or chiropractor.
8. Public service buildings and uses, limited to fire and police stations and public emergency centers.
9. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
10. Religious institutions including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.
11. Bed and Breakfast Establishment with no more than four (4) rooms available for lodging rental.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, and in conformance with **§6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building or structure on premises and bed and breakfast establishments.
b. Signs, not exceeding sixteen (16) square feet in area per lot, identifying permitted fraternity and sorority houses, and offices of a physician or dentist.
c. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds and historic monuments.
d. Signs, not exceeding one hundred (100) square feet in area per religious institutions, identifying permitted religious institutions.
e. Signs, not exceeding four (4) square feet in area per lot identifying a permitted transitional parking facility.
7. Secondary religious facilities.
8. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than fifteen (15) persons in conformance with §62.23 (7)(i), Wisconsin Statutes.

2. The rental or lease of pier or dock space to boat owners and operators, in conformance with **§4.06 D.7.** of this Ordinance.

3. Transitional parking spaces and parking facilities for a business, manufacturing or institutional use, in conformance with **§4.06 A.6.** of this Ordinance.

4. Utility substations.

5. Rooming and boarding houses with a capacity for fifteen (15) or fewer persons.

6. Multiple-Family Residential not to exceed five (5) dwelling units.

7. Storm water detention and retention basins.

8. Single family attached residences not to exceed five (5) attached dwelling units.

9. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width.

1. Lots shall be a minimum of five thousand (5,000) square feet in area, except for lots used for a two family residence, which shall be a minimum of six thousand (6,000) square feet in area, providing three thousand (3,000) square feet in area per dwelling unit.

2. Lots shall be not less than forty (40') feet in width, except for lots used for a two-family or multiple family residence, which shall be not less than fifty (50') feet in width.

3. Lots used for a rooming and boarding house shall provide a minimum of six-hundred and twenty five (625) square feet of lot area per bed.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed sixteen (16') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a build-to line of fifteen (15') feet, measured from the front lot line, or from the setback line of any major street for new principal structures, except where the front yard is determined under **Section 3.03 D.1.** A minimum of fifty (50%) percent of the principal building width, measured at ground level, shall be located on the build-to line, or the average front yard determined under **Section 3.03 D.1.**

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of five (5) feet for one-story buildings and eight (8') feet for two or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard. Single family attached residences may reduce the interior side yard to zero (0') feet when located adjacent to another single family attached residence, and when approved as part of a planned development through a Conditional Use Permit.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2')

feet. Accessory buildings located on a lot containing a single family attached residence may reduce the accessory interior side yard to zero (0') feet for one interior side yard, where adjacent to another single family attached residential lot.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street, except for detached garages. Detached garages may not be located closer to the street side yard than fifteen (15') feet.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet, except that where a rear lot line in the Rg-2 District fronts on a street and where a side lot line in the Rg-2 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

e. Maximum Coverage of Lot with Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance.

G. Primary Entrance. The primary entrance of new principal buildings constructed after January 1, 2006, shall be located along a street-facing facade and shall be emphasized by a covered porch or stoop having a minimum area of twenty-five (25) square feet, with a minimum depth of six (6') feet. The roof over a required porch or stoop shall be no more than twelve (12') feet above the floor of the porch and be at least thirty (30%) percent solid. Porches or stoops shall be defined by columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

H. Windows.

1. Minimum Opening Requirement. All facades of new principal buildings and additions constructed after January 1, 2006, including attached garages, where permitted, shall have at least one (1) window or other opening on each story, with a minimum area of nine (9) square feet. Notwithstanding the above, street-facing facades of new principal buildings shall require a minimum of fifteen (15%) percent of the total wall area to be comprised of windows or other openings.

2. Exceptions.

a. Windows located in garage doors on attached garages shall not be calculated toward the minimum fifteen (15%) percent requirement of street-facing facades that contain the primary entrance.

b. A window shall not be required on an upper story where a lower roof line creates an upper story wall area that does not have a minimum of eight (8') feet in height, measured from the slope of the lower roof to the ceiling height of the upper story, by six (6') feet in width at any point along the upper story wall area impacted by the lower roof.

I. Compatibility With Existing Structures. Facades of new structures and additions constructed after January 1, 2006, shall maintain a compatible relationship with the prevailing appearance of surrounding structures built prior to November 5, 1984, as defined below. Surrounding structures shall be defined as all principal and accessory structures located on the same side of the street as the subject property, to the next intersecting streets; and, all principal and accessory structures located across the street from the subject property, to the next intersecting streets. Corner lots shall take into account both streets for compatibility.

1. Principal Building Height. The height of new principal buildings shall not vary by more than one story compared to the height of surrounding principal structures.

2. Attached Garages.

a. Side-loaded Garages. Side-loaded garages shall not have any wall closer to the front lot line than a point on the front facade of the remainder of the principal building having livable space that is nearest to the

lot line. If the side-loaded garage extends laterally from the facade of the remainder of the principal building having livable space, it shall have at least one (1) window that faces the public right-of-way that matches the windows used on the balance of the portion of the principal building having livable space. Notwithstanding the above, side-loaded garages may have a wall closer to the front lot line than a point on the front facade of the remainder of the principal building having livable space that is nearest to the lot line, when all of the following conditions are met:

(1) The lot has a slope steeper than twelve percent (12%) .

(2) Livable space is included above the side-loaded garage and has an exterior wall plane level with the build-to line of the garage.

(3) The livable space above the garage and the sidewall of the garage both have windows that match the windows used on the balance of the front facade containing livable space.

(4) There are a minimum of two (2) windows on the garage sidewall that face the public right-of way.

(5) No portion of the sidewall visible to the public right-of way exceeds sixty percent (60%) of the total maximum width of the principal building.

b. Front-facing Garages. Front-facing garages shall be required to be located a minimum of ten feet (10') behind the longest length of the front facade's livable space on the ground level, and its width shall be restricted to a maximum of fifty percent (50%) of the total width of the principal building.

3. Additional Elements of Compatibility. In addition to the above, three of the following five compatibility elements must also be satisfied:

a. Orientation of Principal Structure. The principal structure shall be oriented on the lot the same way as surrounding principal structures (e.g., longest wall perpendicular or parallel to the front lot line).

b. Visual Size. The gross area of the front facade of a principal structure shall be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of the adjacent principal structures on the same side of the street.

c. Raised Porches. A raised porch (porch raised above grade) shall be required where raised porches represent the prevailing style of surrounding principal structures.

d. Building Materials. Building materials shall match the prevailing building materials used on surrounding principal structures.

e. Roof Slope and Orientation. The orientation of the roof and roof slope shall be compatible with the slope and orientation of roofs on surrounding principal structures.

3.10 RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the Rm-1 Multiple Family Residential District are intended to provide for areas which are occupied by multiple family residences not exceeding eleven (11) dwelling units per lot. Multiple family residential development density shall comply with **Section 4.05.**

A. Permitted Uses.

1. Two-family residences.
2. Community Living Arrangements with a capacity for fifteen (15) or fewer persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.
3. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
4. Fraternity or sorority houses with a capacity for fifteen (15) or fewer persons.
5. Historic monuments.
6. Public service buildings and uses, limited to fire and police stations and public emergency centers.
7. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
8. Religious institutions including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, and in conformance with **§6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs not exceeding thirty-two (32) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building or structure, and bed and breakfast establishments.
b. Signs, not exceeding sixteen (16) square feet in area per lot, identifying permitted fraternity and sorority houses.
c. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds and historic monuments.
d. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
7. Secondary religious facilities.
8. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
9. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (See **§4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements with a capacity for greater than fifteen (15) persons which are in conformance with §62.23 (7)(i), Wisconsin Statutes.
2. Manufactured/Mobile Home Parks, not exceeding eleven (11) Manufactured/Mobile Homes, as defined in, and in conformance with Chapter 20 of the Code of General Ordinances.
3. Planned developments, as permitted in **§3.22** of this Ordinance.
4. The rental or lease of pier or dock space to boat owners and operators, in conformance with **§4.05**

H. of this Ordinance.

5. Multiple-family residences not to exceed eleven (11) dwelling units per lot.

6. Utility substations.

7. Rooming and boarding houses with a capacity for fifteen (15) or fewer persons.

8. Storm water detention and retention basins.

9. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width.

1. Lots shall provide a minimum lot area of eight thousand (8,000) square feet.

2. Lots shall be not less than seventy (70') feet in width.

3. Lots used for a rooming and boarding house shall provide a minimum of six-hundred and twenty five (625) square feet of lot area per bed.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed forty-five (45') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure shall exceed twenty (20') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of fifteen (15) feet for one-story buildings, twenty (20) feet for two-story buildings, or twenty-five (25') feet for three or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

c. Rear Lot Access. A minimum nine (9) foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. In the event a development is the subject of a Conditional Use Permit, the seventy (70') feet setback may be reduced by the designated reviewing authority.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2') feet.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet, except that where a rear lot line in the Rm-1 District fronts on a street and where a side lot line in the Rm-1 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

e. Size Requirement. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance. In the event a development is the subject of a Conditional Use Permit, the lot coverage requirement shall be established by the designated

reviewing authority.

3.11 RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the Rm-2 Multiple Family Residential District are intended to provide for areas which are occupied by multiple family residences containing three (3) dwelling units or more per lot. Multiple family residential development density shall comply with **Section 4.05.**

A. Permitted Uses.

1. Community Living Arrangements with capacity for fifteen (15) or fewer persons which are in conformance with §62.23 (7) (i), Wisconsin Statutes.
2. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
3. Fraternity or sorority houses.
4. Historic monuments.
5. Public service buildings and uses, limited to fire and police stations and public emergency centers.
6. Public parks and playgrounds, including buildings and grounds, and properly licensed concessions.
7. Religious institutions including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home occupations, as permitted in **§3.03 E.** of this Ordinance.
5. Multiple-family management office, service building, or clubhouse.
6. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, and in conformance with **§6.01** of this Ordinance.
7. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs, not exceeding thirty-two (32) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building on premises and bed and breakfast establishments. Developments covered under Conditional Use Permits shall construct and install signs in accordance with approved plans.
b. Signs, not exceeding sixteen (16) square feet in area per lot, identifying permitted fraternity and sorority houses.
c. Signs, not exceeding sixty (60) square feet in area per lot, identifying permitted public and private schools, school administrative offices, public service buildings and uses, public parks and playgrounds and historic monuments.
d. Signs, not exceeding one hundred (100) square feet in area per religious institution, identifying permitted religious institutions.
8. Secondary religious facilities.
9. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
10. Tennis and game courts; private, noncommercial.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Multiple-family residences containing three (3) or more units per lot, in conformance with the Development Standards outlined in **§4.0** of this Ordinance.
2. Community Living Arrangements with a capacity for greater than fifteen (15) persons which are in conformance with §62.23 (7) (i), Wisconsin Statutes.
3. Manufactured/Mobile Home Parks, in conformance with Chapter 20 of the Code of General Ordinances.

4. Planned developments, as permitted in **§3.22** of this Ordinance.
5. The rental or lease of pier or dock space to boat owners and operators, in conformance with §4.05 H. of this Ordinance.
6. Utility substations.
7. Rooming and boarding houses.
8. Storm water detention and retention basins.
9. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width.

1. Lots shall provide a minimum lot area of twenty-five thousand (25,000) square feet.
2. Lots shall be not less than one hundred (100') feet in width.
3. Lots used for a rooming and boarding house shall provide a minimum of six hundred and twenty-five (625) square feet of lot area per bed.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure shall exceed one hundred (100') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure shall exceed twenty (20') feet in height.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.
2. Side Yards.
a. Interior Side Yard. There shall be a minimum interior side yard of fifteen (15') feet for one story buildings, twenty (20') feet for two story buildings, or twenty-five (25') feet for three or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.
b. Street Side Yard. There shall be a minimum street side yard of twelve and one-half (12.5') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.
3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.
4. Accessory Buildings, Structures or Uses.
a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. In the event a development is the subject of a Conditional Use Permit, the seventy (70') feet setback may be reduced by the designated reviewing authority.
b. Accessory Side Yards.
(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of four (4') feet.
(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.
c. Accessory Rear Yard. There shall be a minimum accessory rear yard of four (4') feet, except that where a rear lot line in the Rm-2 District fronts on a street and where a side lot line in the Rm-2 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.
d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.
e. Size Requirement. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **§3.03** of this Ordinance. In the event a development is the subject of a Conditional Use Permit, the lot coverage requirement shall be established by the designated reviewing authority.

3.115 RM-3 ELDERLY AND HANDICAPPED HOUSING DISTRICT

The primary purpose and characteristics of the RM-3 Elderly and Handicapped Housing District is to promote multifamily development designed to meet the physical, social and personal needs of the elderly and handicapped. The qualifying projects in the RM-3 District shall include efficiency, one or two bedroom units, congregate and assisted living facilities. Occupation of these facilities shall be by the elderly and handicapped. Housing developed within this district will normally include various support services and related facilities to serve the specific needs of the residents. Project densities in this district may be greater than the residential projects constructed in the Rm-1 and Rm-2 Districts due to the specialized nature of the development. Projects in this district shall be permitted only by Conditional Use Permit, requiring conditional use review and conformance to **Sections 4.0** and **14.0** of this Ordinance.

A. Permitted Uses. Elderly Housing of eight (8) units or less

B. Permitted Accessory Uses.

1. Home occupations, as permitted in **Section 3.03 E.** of this Ordinance.
2. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to the following:
a. Signs shall be covered under the Conditional Use Permit process and shall be designed, constructed and installed in accordance with approved plans.
b. Signs shall not exceed thirty-two (32) square feet in area per lot, pertaining to the lease, rental or sale of building.
3. Greenhouses, that are privately-owned and non-commercial.

C. Conditional Uses.

1. Elderly housing of more than eight (8) units, elderly and handicapped community living arrangements and assisted living facilities. Assisted living facilities shall be in conformance with Section 50.034, Wisconsin Statutes, and Chapter HFS-89, Wisconsin Administrative Code.
2. Related elderly housing facilities, including management office, service building, clubhouse, centralized recreational facilities, including swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances, tennis and game courts; private noncommercial, common dining room, infirmary and limited medical emergency facilities restricted to serving residents, limited convenience retail and service uses for the benefit of the residents and guests, not to exceed 2,500 feet per type or a total of 5,000 s.f. and incorporated within a principal structure of the facility.
3. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use, and in conformance with **Section 6.01** of this Ordinance.
4. Garages and carports; private, noncommercial; used in conjunction with a permitted principal use, and in conformance with **Section 6.01** of this Ordinance.
5. Utility substations.
6. Storm water detention and retention basins.
7. All non-conforming residential uses in effect at the time of seeking a Conditional Use.

D. Lot Area and Width.

1. Lots shall provide a minimum lot area of twenty-five thousand (25,000) square feet.
2. Lots shall be not less than one hundred (100') feet in width.

E. Building Height. No principal building or structure, nor the enlargement of any principal building or structure, shall exceed forty-five (45') feet in height. No accessory building or structure, nor the enlargement of any accessory building or structure shall exceed twenty (20') feet in height. The Review Authority may vary the building height requirement for a project located in the Central Business District, bounded by 45th Street on the north, 63rd Street on the south, Chicago and Northwestern Railroad on the west, and Lake Michigan on the east.

F. Yard Requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25') feet, measured from the front lot line, or from the setback line of any major street.

2. Side Yards.

a. Interior Side Yard. There shall be a minimum interior side yard of fifteen (15') feet for one story buildings, twenty (20') feet for two-story buildings, or twenty-five (25') feet for three or more story buildings. Interior lots shall have two interior side yards. Corner lots shall have one interior side yard and one street side yard.

b. Street Side Yard. There shall be a minimum street side yard of twenty-five (25') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have one street side yard and one interior side yard.

3. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

4. Accessory Buildings, Structures or Uses.

a. Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street.

b. Accessory Side Yards.

(1) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of four (4') feet.

(2) Accessory Street Side Yard. There shall be a minimum accessory street side yard of twenty (20') feet, measured from the street side lot line, or from the setback line of any major street.

c. Accessory Rear Yard. There shall be a minimum accessory rear yard of four (4') feet, except that where a rear lot line in the RM-3 District fronts on a street and where a side lot line in the RM-3 District abuts or is across an alley from a residential district, the other residential district yard requirement on that street shall apply as the accessory rear yard requirement.

d. Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than ten (10') feet to any principal building or structure on the lot.

e. Size Requirement. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of the area outlined in **Section 3.03** of this Ordinance. In the event a development is the subject of a Conditional Use Permit, the lot coverage requirement shall be established by the designated reviewing authority.

G. Development Density.

1. Elderly multifamily projects shall not exceed a density of 24 units per acre.

2. Elderly and handicapped community living arrangements and assisted living facilities shall not exceed a density of 24 beds per acre.

3.12 BUSINESS ZONING DISTRICTS-GENERAL REGULATIONS

In addition to the general provisions outlined in **§2.0** of this Ordinance and the requirements of the respective zoning district, uses of land in the Business Zoning Districts shall meet the following general regulations.

A. Residential Uses Permitted Above First Floor. Subject to the exception for religious residential quarters herein, in the B-1, B-2 or B-3 Business Districts, residential uses are only permitted when they are located above the first floor of the principal building, provided that the lowest finished floor of such attached residential units is constructed a minimum of nine (9') feet above the first floor elevation; provided that no portion of the first floor of any building within the Business Districts is used for residential purposes. The limitation in the previous sentence notwithstanding, residential quarters in convents, seminaries, rectories, parsonages, parish houses and other residential quarters for members of the clergy and immediate family members of the clergy living with the member of the clergy, may be located on any floor subject to other provisions of law.

B. Detached Residential Uses Not Permitted in the B-1, B-2 or B-3 Districts.

1. Restrictions. New construction of single-family, two-family and multiple family residences detached from a principal use is not permitted in the B-1, B-2 or B-3 Business Districts.

2. Reconstruction of Existing Detached Residences in the B-1, B-2 or B-3 Business Zoning Districts. The reconstruction of an existing detached residential use in the B-1, B-2 or B-3 District, which has been damaged or destroyed by catastrophe or act of God, is permitted provided that the reconstructed building does not exceed the original floor area of the structure and that such reconstruction is commenced no later than one (1) year after the date of the damage or destruction, and provided the building is in conformance with all other provisions of this Ordinance.

C. Yard Requirements Exceptions. On a lot in a business district where a building line is in existence prior to the effective date of this Ordinance and which provides yard less than required when adjacent to or across an alley from a residential district, an addition to or reconstruction of the building is permitted provided such addition or reconstruction is no closer to the lot line than the existing building line and provided that the building is in conformance with all other provisions of this Ordinance, including the parking requirements of **§6.01** of this Ordinance.

D. Screening.

1. Requirements and Standards. For any use in a business district which is required to provide screening under the provisions of the respective zoning district in which such use is located, such screening shall be accomplished by a fence, wall, berm, landscaping, or some combination thereof, constituting an opaque characteristic which obstructs from horizontal view, the use required to be screened. Such screen shall not be less than four (4') feet in height except where reduced heights are required in **§2.06** "Visual Clearance" of this Ordinance.

2. Exceptions. The Board may authorize an exception to the screening requirement and standards where an existing screen is on the lot adjacent to the use, building or structure required to be screened, or where special circumstances render a screen unnecessary.

3.13 B-1 NEIGHBORHOOD BUSINESS DISTRICT

The primary purpose and characteristics of the B-1 Neighborhood Business District are intended to allow for limited commercial, retail and service establishments in areas where the surrounding neighborhood is predominately residential and the character and operation of which are compatible with the character of the surrounding area.

A. Permitted Uses.

1. Convenience retail and service stores as follows, all conducted wholly within an enclosed building and including only the retailing of new merchandise:

a. Bakery, retail.
b. Barbershop.
c. Beauty or styling salon.
d. Bicycle sales, rental and repair shop.
e. Book and stationery shop, or newsstand; excluding adult uses, as defined.
f. Camera and photographic supply store.
g. Candy and ice cream store.
h. Clothes and costume rental service.
i. Coffee shop.
j. Dressmaking, tailor or alteration shop.
k. Drugstore.
l. Florist shop.
m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
n. Gift or antique shop, excluding secondhand shops.
o. Hobby shop.
p. Jewelry store.
q. Laundromat and dry cleaning establishment.
r. Locksmith.
s. Office supply store.
t. Package beverage store.
u. Pet shop.
v. Photocopying center.
w. Record or tape store.
x. Repair, rental or servicing of any article the sale of which is a permitted use in the B-1 District.
y. Restaurant.
z. Shoe repair and combination shoe sales store.
aa. Tobacco and pipe shop.
bb. Travel bureau and transportation ticket office.
cc. Upholstering shop.
dd. Artisan Studio.

2. Miscellaneous Retail and Service Uses as follows, all conducted wholly within an enclosed building and only including the retailing of new merchandise:

a. Banks and other financial institutions.
b. Civic, social and fraternal clubs and lodges; including for-profit and nonprofit establishments.
c. Adult day care centers.
d. Hardware store.
e. Medical clinic and laboratory, excluding hospitals.
f. Nursery and child care centers.
g. Offices; business, professional, governmental, civic, service, philanthropic, political and union, excluding union halls.

h. Studio for art, dance, music or photography.

3. Institutional Uses such as religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.
2. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance.
3. Outdoor advertising signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to signs identifying a permitted building, structure or use, or signs advertising a retail product or customer service provided by a permitted use.
4. Utility sheds, power supply units, external building heating/cooling systems, and other uses normally auxiliary to the principal use.
5. Outdoor Dining Areas located in public right-of-ways or major street setback areas, in conjunction with an adjacent bakery, candy and ice cream store, coffee shop, food store, grocery, delicatessen or restaurant in conformance with Section 5.046 of the Code of General Ordinances.
6. Artisan manufacturing conducted wholly within an enclosed building. Such production of items shall be an accessory use to an artisan studio and shall not cause, create or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Community Living Arrangements, in conformance with §62.23 (7) (i), Wisconsin Statutes.
2. Bed and Breakfast Establishments.
3. Utility substations.
4. Rooming and boarding houses above first floor.
5. Multiple-family residences above the first floor containing four (4) or less dwelling units, in conformance with **§3.12 A.** of this Ordinance.
6. Storm water detention and retention basins.

D. Lot Area and Width.

1. There shall be no minimum lot area or width requirements, except that:
a. For structures constructed prior to the effective date of this Ordinance, which contain multiple family residential uses above a first floor, a minimum of five hundred (500) square feet lot area per dwelling unit shall be provided.
b. For new construction of multiple-family residential uses above a first floor; a two-story building shall provide a minimum two thousand (2,000) square feet of lot area per dwelling unit; and a three-or more story building shall provide a minimum of one thousand (1,000) square feet of lot area per dwelling unit.

2. Lots used for a rooming and boarding house or a Community Living Arrangement shall provide a minimum of five hundred (500) square feet of lot area per bed.

E. Building Height. No building or structure, nor the enlargement of any building or structure shall exceed thirty-five (35') feet in height.

F. Yard Requirements.

1. Front Yard. No front yard shall be required except that where the frontage, as defined, lies partly within the B-1 District and partly within a residential district, the residential district yard requirement on that street shall apply as the front yard requirement.

2. Side Yards.

a. Interior Side Yard. No interior side yard shall be required, except that:

(1) Where a side lot line in the B-1 District abuts a residential district, there shall be an interior side yard of not less than five (5') feet.

(2) Where land is used for multiple family residential uses above a first floor, the interior side yard requirement shall be:

(a) Two story building: ten (10') feet.

(b) Three or more story building: twelve (12') feet.

(c) Where a building has a masonry wall without any windows or openings on a side of the building, the interior side yard along that side of the building may be reduced to zero (0), except that when abutting a residential district there shall be an interior side yard of not less than five (5') feet.

(d) For buildings erected prior to November 1, 1963, there shall be an interior side yard of five (5') feet, except that where a building has a masonry wall without any windows or openings on a side of the building, and where the building does not abut a residential district, the interior side yard along that side of the building may be reduced to zero (0) feet.

(3) Where no interior side yard is required, but is voluntarily provided, the interior side yard shall be a minimum of five (5') feet.

b. Street Side Yard. No street side yard shall be required except that where a side lot line in the B-1 District fronts on a street and where a rear lot line in the B-1 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. Rear Yard. A rear yard of not less than twenty-five (25') feet is required, except that where a rear lot line in the B-1 District fronts on a street and where a side lot line in the B-1 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the rear yard requirement.

4. Accessory Buildings, Structures or Fences.

a. No accessory building or structure shall be located in any required front or street side yard or in any rear yard which fronts on a street and will be located within twenty-five (25') feet of the public right-of-way.

The minimum building to property line setback for the side and rear yards shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and utilized in conjunction with an approved commercial principal use of the property.

b. No fence shall be constructed or reconstructed in any required front yard unless said fence is approved in conjunction with a Conditional Use Permit or a variance as granted by the Board of Zoning Appeals.

5. Accessory Uses. No yards shall be required for accessory uses where no building or structure is involved.

3.14 B-2 COMMUNITY BUSINESS DISTRICT

The primary purpose and characteristics of the B-2 Community Business District are intended to accommodate the needs of a larger consumer population than is served by the B-1 Neighborhood Business District, thereby permitting a wider range of uses and development sizes for both convenience and community shopping.

A. Permitted Uses.

1. Hotels and motels existing on the effective date of this Ordinance.

2. Convenience Retail and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for herein:

a. Bakery, retail.
b. Barber shop.
c. Beauty or styling salon.
d. Bicycle sales, rental and repair shop.
e. Book and stationery shop, newsstand; excluding adult uses, as defined.
f. Camera and photographic supply store, including drive-in, pickup/drop-off centers.
g. Candy and ice cream store.
h. Clothes and costume rental service.
i. Coffee shop.
j. Dressmaking and tailor shop.
k. Drugstore.
l. Florist shop.
m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and customer order purposes.
n. Gift or antique shop.
o. Hobby shop.
p. Jewelry store.
q. Laundromat and dry cleaning establishment, including clothes or garment pickup/drop-off facilities.
r. Locksmith.
s. Office supply store.
t. Package beverage store, including drive through facilities.
u. Pet shop.
v. Photocopying center.
w. Record or tape store.
x. Repair, rental,and servicing of any article the sale of which is a permitted use in the B-2 District, except automobile body repair.
y. Restaurant, including drive-in and outdoor cafe restaurants and refreshment stands.
z. Secondhand store.
aa. Shoe repair and combination shoe sales store.
bb. Tobacco and pipe shop.
cc. Travel bureau and transportation ticket.
dd. Upholstering shop.
ee. Artisan Studio.

3. General Merchandise and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for herein:

a. Apparel store.
b. Business machine sales and service.
c. Catalog and mail-order store.
d. Department store, including outdoor storage areas of building and garden supplies, as permitted in

§3.14 A.9.i. of this Ordinance.

e. Drapery, curtain, and fabric store.
f. Flea market.
g. Furniture and home furnishing store.
h. Furriers and fur shops.
i. Household appliance store.
j. Interior decorating and picture framing studio
k. Leather goods and luggage store.
l. Musical instrument store.
m. Opticians sales.
n. Orthopedic and medical appliance store.
o. Radio, television, stereophonic and other electronic appliance store.
p. Shoe and boot store.
q. Sporting goods and trophy store.
r. Toy store.
s. Variety store.

4. Miscellaneous retail building, home improvement and gardening supply stores and uses as follows:

a. Building supply store, not involving the manufacture, treatment, or processing of any product, or the cutting or planing of any product other than cutting or planing which is incidental or essential to the retail business. All storage which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area, all conducted wholly within completely enclosed buildings.

c. Feed and fuel store. All storage of feed or fuel which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

d. Floor covering and carpet store, all conducted wholly within a completely enclosed building.

e. Garden supply, commercial nursery, greenhouse or orchard. All storage of supplies which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or located in accessory outdoor storage areas in a manner which constitutes an effective screen from the residential district.

f. Hardware store. All storage of building or garden supplies which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

g. Mobile or manufactured homes sales and services centers, excluding construction. All storage of mobile or manufactured homes which is adjacent to or across an alley from a residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

h. Paint, glass and wallpaper store, all conducted wholly within a completely enclosed building.

i. Storage areas of a department store containing building or garden supplies provided that when such areas are adjacent to or across an alley from a residential district, such storage is within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

j. Tool and equipment rental store. All storage of retail or rental tools and equipment which is adjacent to or across an alley from a residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district.

5. Miscellaneous Retail and Services Uses as follows, all conducted wholly within a completely enclosed building except as provided for herein:

a. Amusement enterprises and pool halls. No amusement enterprise or pool hall shall be located within one thousand (1,000') feet, as measured by the most direct means, from lot line to lot line of any public

or private elementary or secondary school or religious institution, as defined.

a-1. Animal hospital, provided any structure housing animals be a minimum of fifty (50') feet from any lot line which is adjacent to or across an alley from a Residential District.

b. Bank and other financial institutions, including drive-through facilities.

b-1. Bowling alleys and roller skating rinks.

c. Civic, social and fraternal clubs and lodges, and union halls, including for-profit and nonprofit establishments.

d. Adult day care centers.

e. Cultural institutions, including libraries, museums and art galleries.

f. Funeral home.

g. Janitorial supply and service store.

g-1. Kennel, provided any structure housing animals be a minimum of fifty (50') feet from any lot line which is adjacent to or across an alley from a Residential District.

h. Medical clinic or laboratory, excluding hospitals.

i. Monument and memorial sales and storage, not involving the manufacture, treatment, processing or cutting of any product other than that which is clearly incidental or essential to the retail business.

j. Nursery and child care centers.

k. Offices; business, professional, governmental, civic, service, philanthropic, political and union.

l. Philanthropic and charitable institutions.

m. Physical fitness center and health club.

n. Printing and publishing establishment, including newspaper establishment.

o. Private business, dance, driving, or martial arts school or other similar private school.

p. Public administrative offices and public service buildings and uses, including fire and police stations, community centers and public emergency shelters.

q. Public transportation uses, limited to municipal bus, railroad passenger, and transportation terminals.

r. Public utility offices and uses, including utility substations.

s. Radio and television station or studio.

t. Recording and sound studio.

u. Sign painting shop, limited to posters, banners, bumper stickers, truck and window lettering, and other non-electrical advertising displays.

v. Studio for art, dance, music or photography.

w. Tavern and/or cocktail lounge, including outdoor serving areas.

x. Taxidermist.

y. Theater; (indoor), excluding adult uses, as defined.

6. Motor vehicle uses as follows, provided that all storage which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district:

a. Automobile parts and accessory store, only within completely enclosed buildings.

b. Automobile sales and/or service establishment, excluding automobile body repair shops.

c. Automobile and/or truck rental or leasing establishment.

d. Parking facilities, including structures and ramps.

e. Recreation vehicle sales, service and storage establishments including boats and motorcycles.

7. Institutional Uses such as religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

8. Off-Premise Sign in conformance with Section 15.15 of the Code of General Ordinances.

B. Permitted Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.

2. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance.

3. Utility sheds, power supply units, external building heating/cooling systems, and other uses normally auxiliary to the principal use.

4. Outdoor storage areas of a building supply store, a feed and fuel store, a hardware store, a department store, mobile or manufactured homes sales and service center, a tool and equipment rental store containing retail or rental goods, or a motor vehicle use, provided that, when such areas are adjacent to or across an alley from a residential district, such areas shall be effectively screened as outlined in **§3.12 D.** of this Ordinance.

5. Outdoor storage areas of a garden supply store, a commercial nursery, greenhouse or orchard containing retail garden supplies, plants, or planting materials provided that when such areas are adjacent to or across an alley from a residential district, such storage shall be located in a manner which produces an effective screen.

6. Public use service building or structure.

7. Outdoor Dining Areas located in public right-of-ways or major street setback areas, in conjunction with an adjacent bakery, candy and ice cream store, coffee shop, food store, grocery, delicatessen or restaurant in conformance with Section 5.046 of the Code of General Ordinances.

8. Exterior use of property to remove and replace vehicle tires. This subsection shall apply to only those businesses located within the area bounded by Sheridan Road on the East; 52nd Street on the North; 64th Street on the South; and, 39th Avenue on the West, which were existing and specifically engaged in the sale and service of vehicle tires as of January 1, 2005. This Section shall not apply to any such business subsequent to or following a change in ownership, management or change in location occurring after January 1, 2005.

9. Permanent cosmetic makeup, only when performed in conjunction with a beauty salon or similar principal permitted use.

10. Artisan manufacturing conducted wholly within an enclosed building. Such production of items shall be an accessory use to an artisan studio and shall not cause, create or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Multiple-family residences above the first floor and in conformance with **§3.12 A.** of this Ordinance.

2. Hotels and motels constructed after the effective date of this Ordinance.

3. Community Living Arrangements, in conformance with §62.23 (7)(i), Wisconsin Statutes.

4. Commercial development as follows:

a. New developments. Any group of permitted use(s) which is planned, developed, or functions as a unit and is located on a lot or contiguous group of lots, whether or not divided by a street or alley right-of-way, which equals an area of two and one-half (2-1/2) acres or greater.

b. Additions, enlargements or expansions. Any addition, enlargement or expansion of any use(s) contained within a group of permitted uses, when such group is located on a lot or contiguous group of lots, whether or not divided by a street or alley right-of-way, which equals an area of two and one-half (2-1/2) acres or greater.

c. Buildings detached from a principal building. Any permitted use(s) which is to be located on the same lot(s) as, and detached from, any building which contains a group of permitted uses, which is planned, developed, or functions as a unit and when such group is located on a lot or a contiguous group of lots, whether or not divided by a street or alley right-of-way, which equals an area of two and one-half (2-1/2) acres or greater.

d. Unified Business Center. A commercial development as defined in Section 12.0 of the Zoning Ordinance.

e. Large Scale Commercial Development. A commercial development as defined in Section 12.0 of the Zoning Ordinance.

5. Sexually-oriented businesses, as defined, in conformance with the standards outlined in Section **4.06**

B.1. of the Zoning Ordinance.

6. Automobile body shop.

7. Automobile or truck wash.

8. Drive in theater, excluding adult uses.

9. Outdoor commercial recreational uses, including: amusement parks; golf ranges; miniature golf courses; baseball ranges; and, carnivals and circuses, licensed by the City, which are conducted for thirty (30) or more consecutive days.

10. Brewpub or winery, accessory to a restaurant, tavern, cocktail lounge or package beverage store, provided that no greater than thirty (30%) percent of the gross floor area is devoted to any manufacturing or processing, or storage of beverages produced on premises, provided that brewpubs produce no greater than three thousand (3,000) barrels of fermented malt beverages per year, or, that wineries produce no greater than twenty thousand (20,000) gallons of wine per year, in conformance with §125, Wisconsin Statutes, and Chapter 10 of the Code of General Ordinances.

11. Aluminum Collection Centers.

12. Recycling Collection Centers.

13. Bed and Breakfast Establishments.

14. Utility substations and Communication Towers, Radio/Television/Relay Towers and Antennas.

15. Rooming and boarding houses above first floor.

16. Storm water detention and retention basins.

17. Drive-thru facilities in conjunction with any permitted use, excluding alcohol beverage sales which may not be made therefrom.

18. Self-service storage facilities.

19. Automobile fuel station or automobile fuel and service station, including combination convenience store.

20. Body-Piercing Establishments.

21. Tattoo Establishments.

22. Convenient Cash Businesses.

23. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

24. Public Safety Communication Towers and Antennas.

D. Lot Area and Width.

1. There shall be no minimum lot area or width requirements, except that:

a. For structures constructed prior to the effective date of this Ordinance, which contain multiple family residential uses above a first floor, a minimum of five hundred (500) square feet of lot area per dwelling unit shall be provided.

b. For new construction of multiple-family residential uses above a first floor; a two-story building shall provide a minimum two thousand (2,000) square feet of lot area per dwelling unit; a three-story building shall provide a minimum of one thousand (1,000) square feet of lot area per dwelling unit; and a four-or more story building shall provide a minimum five hundred (500) square feet of lot area per dwelling unit.

2. Lots used for a rooming and boarding house or a Community Living Arrangement shall provide a minimum of five hundred (500) square feet of lot area per bed.

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed forty-five (45') feet in height, except for Communication Towers, Radio/Television/Relay Towers and Antennas which may be installed to a height in conformance with **Section 2.04 A.3.** of this Ordinance or Off-Premise Signs which may be installed to a height in conformance with Section 15.15 H.5 of the Code of General Ordinances.

F. Yard Requirements.

1. Front Yard. No front yard shall be required except that where the frontage, as defined, lies partly

within the B-2 District and partly within a residential district, the residential district yard requirement on that street shall apply as the front yard requirement.

2. Side Yards.

a. Interior Side Yard. No interior side yard shall be required, except that:

(1) Where a side lot line in the B-2 District abuts a residential district, there shall be an interior side yard of not less than five (5') feet.

(2) Where land is used for multiple family residential uses above a first floor, the interior side yard requirement shall be:

(a) Two story building: ten (10') feet.

(b) Three story building: twelve (12') feet.

(c) Four or more story building: fourteen (14') feet to be increased two (2') feet for each story over four stories.

(d) Where a building has a masonry wall without any windows or openings on a side of the building, the interior side yard along that side of the building may be reduced to zero (0), except that when abutting a residential district there shall be an interior side yard of not less than five (5') feet.

(e) For buildings erected prior to November 1, 1963, there shall be an interior side yard of five (5') feet, except that where a building has a masonry wall without any windows or openings on a side of the building, and where a building does not abut a residential district, the interior side yard along that side of the building may be reduced to zero (0) feet.

(3) Where no interior side yard is required, but is voluntarily provided:

(a) The interior side yard shall be a minimum of five (5') feet.

(b) Street Side Yard. No street side yard shall be required except that where a side lot line in the B-2 District fronts on a street and where a rear lot line in the B-2 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. Rear Yard. A rear yard of not less than twenty-five (25') feet is required, except that where a rear lot line in the B-2 District fronts on a street and where a side lot line in the B-2 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the rear yard requirement.

4. Accessory Buildings, Structures or Fences.

a. No accessory building or structure shall be located in any required front or street side yard or in any rear yard which fronts on a street and will be located within twenty-five (25') feet of the public right-of-way.

The minimum building to property line setback for the side and rear yards shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and utilized in conjunction with an approved commercial principal use of the property.

b. No fence shall be constructed or reconstructed in any required front yard unless said fence is approved in conjunction with a Conditional Use Permit/Site Plan Review or a variance as granted by the Board of Zoning Appeals.

5. Accessory Uses. No yards shall be required for accessory uses where no building or structure is involved.

3.15 B-3 CENTRAL BUSINESS DISTRICT

The primary purpose and characteristics of the B-3 Central Business District are intended to accommodate the retail, service, office and institutional uses characteristic of the Downtown Business District and the Uptown Shopping District.

A. Permitted Uses.

1. Hotels and motels existing on the effective date of this Ordinance.

2. Convenience Retail and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for herein:

a. Bakery, retail.
b. Barbershop.
c. Beauty and styling salon.
d. Bicycle sales, rental and repair shop.
e. Book and stationery shop, or newsstand. Adult bookstores, as defined, shall conform with this Ordinance.
f. Camera and photographic supply store, including drive-in film pickup/drop-off centers.
g. Candy and ice cream store.
h. Clothes and costume rental service.
i. Coffee shop.
j. Dressmaking, tailor or alteration shop.
k. Drugstore.
l. Florist shop.
m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
n. Gift shop.
o. Hobby shop.
p. Jewelry store.
q. Laundromat and dry cleaning establishment, including clothes or garment pickup/drop-off facilities.
r. Locksmith.
s. Office supply store.
t. Package beverage store.
u. Pet shop.
v. Photocopying center.
w. Record or tape store.
x. Repair, rental,and servicing of any article the sale of which is a permitted use in the B-3 District, except automobile body repair.
y. Restaurant, including drive-in and outdoor cafe restaurants and refreshment stands.
z. Secondhand and antique store.
aa. Shoe repair and combination shoe sales store.
bb. Tobacco and pipe shop.
cc. Travel bureau and transportation ticket office.
dd. Upholstering shop.
ee. Artisan studio.

3. General Merchandise and Service Stores as follows, all conducted wholly within an enclosed building:

a. Apparel store.
b. Business machine sales and service.
c. Catalog and mail order store.
d. Department store.

e. Drapery, curtain, and fabric store.
f. Flea market.
g. Furniture and home furnishing store.
h. Furriers and fur shops.
i. Household appliance store.
j. Interior decorating and picture framing studio.
k. Leather goods and luggage store.
l. Musical instrument store.
m. Opticians sales.
n. Orthopedic and medical appliance store.
o. Radio, television, stereophonic and other electronic appliance store.
p. Shoe and boot store.
q. Sporting goods and trophy store.
r. Toy store.
s. Variety store.

4. Miscellaneous retail building, home improvement and gardening supply stores and uses as follows, all conducted wholly within an enclosed building:

a. Building supply store, not involving the manufacture, treatment, or processing of any product other than cutting or planing which is clearly incidental or essential to the retail business.
b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
c. Floor covering and carpet store.
d. Garden supply store.
e. Hardware store.
f. Paint, glass and wallpaper store.
g. Tool or equipment rental store.

5. Miscellaneous Retail and Services Uses as follows, all conducted wholly within an enclosed building, except as provided for herein:

a. Amusement and Recreation Enterprises. No premises required to be licensed as an amusement and recreation enterprise shall be permitted in this District unless said amusement and recreation enterprise is located within the boundary specified in **Figure 3-1** of this Section.
b. Bank and other financial institutions, including drive-thru facilities.
b-1. Bowling alleys and roller skating rinks.
c. Civic, social and fraternal clubs and lodges, and union halls, including for-profit and nonprofit establishments.
d. Adult day care centers.
e. Funeral home.
f. Janitorial supply and service store.
g. Medical clinics or laboratory, excluding hospitals.
h. Monument and memorial sales and storage, not involving the manufacture, treatment, processing or cutting of any product other than that which is clearly incidental or essential to the retail business.
i. Nursery and child care center.
j. Offices; business, professional, governmental, civic, service, philanthropic, political and union.
k. Physical fitness center and health club.
l. Printing and publishing establishment, including newspaper establishments.
m. Private business, dance, driving or martial arts school; or other similar private school.
n. Radio and television station or studio.
o. Recording and sound studio.
p. Sign painting shop, limited to posters, banners, bumper stickers, truck and window and other nonelectrical advertising displays.
q. Studio for art, dance, music or photography.
r. Tavern and cocktail lounge, and combination restaurant or eatery, including outdoor serving areas.

s. Taxidermist.

t. Theater; indoor. Adult motion picture theaters and adult mini-motion picture theaters, as defined, shall conform with this Ordinance.

u. Wholesale or warehouse establishments, not involving the manufacture, treatment or processing of any product and only servicing permitted uses which are located within the B-3 District.

6. Motor vehicle uses as follows, provided that all storage which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district:

a. Automobile accessory and parts store.

b. Automobile sales and/or service establishment, excluding automobile body repair shops.

c. Automobile and/or truck rental or leasing establishment.

d. Commercial marina, including boat sales, service and storage, and rental or leasing of pier or dock space to boat owners and operators excluding any manufacturing or production process, and in conformance with applicable Federal, State and local regulations.

e. Parking facilities, including structures and ramps.

f. Recreation vehicle sales, service and storage establishments including boats and motorcycles.

7. Institutional uses as follows:

a. Cultural institutions, including libraries, museums and art museums.

b. Educational institutions, including public and private schools.

c. Historic monuments.

d. Parks and playgrounds, including buildings and grounds, and properly licensed concessions.

e. Philanthropic and charitable institutions.

f. Public administrative offices and public service buildings, including fire and police stations, community centers and public emergency shelters.

g. Public transportation uses, including municipal bus and transportation terminals and municipal marina.

h. Public and private utility offices.

i. Railroad passenger terminal.

j. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

8. Outdoor advertising signs, in conformance with Chapter 15 of the Code of General Ordinances.

B. Permitted Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.

2. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance.

3. Utility sheds, power supply units, external building heating/cooling systems, and other uses normally auxiliary to the principal use.

4. Outdoor storage areas of a motor vehicle use, provided that when such areas are adjacent to or across an alley from a residential district, such areas shall be effectively screened as outlined in **§3.12 D.** of this Ordinance.

5. Public use service building or structure.

6. Outdoor Dining Areas located in public right-of-ways or major street setback areas, in conjunction with an adjacent bakery, candy and ice cream store, coffee shop, food store, grocery, delicatessen or restaurant in conformance with Section 5.046 of the Code of General Ordinances.

7. Exterior use of property to remove and replace vehicle tires. This subsection shall apply to only those businesses located within the area bounded by Sheridan Road on the East; 52nd Street on the North; 64th Street on the South; and, 39th Avenue on the West, which were existing and specifically engaged in the sale and service of vehicle tires as of January 1, 2005. This Section shall not apply to any such business

subsequent to or following a change in ownership, management or change of location occurring after January 1, 2005.

8. Permanent cosmetic makeup, only when performed in conjunction with a beauty salon or similar principal permitted use.

9. Artisan manufacturing conducted wholly within an enclosed building. Such production of items shall be an accessory use to an artisan studio and shall not cause, create or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Multiple-family residences above the first floor and in conformance with **§3.12 A.** of this Ordinance.
2. Hotels and motels constructed after the effective date of this Ordinance.
3. Community Living Arrangements, in conformance with §62.23 (7)(I), Wisconsin Statutes.
4. Automobile body shop.
5. Automobile or truck wash.
6. Convention center.
7. Aluminum Collection center.
8. Recycling Collection center.
9. Brewpub or winery, accessory to a restaurant, tavern, cocktail lounge or package beverage store, provided that no greater than thirty (30%) percent of the gross floor area is devoted to any manufacturing or processing, or storage of beverages produced on premises, provided that brewpubs produce no greater than two thousand (2,000) barrels of fermented malt beverages per year, or, that wineries produce no greater than twenty thousand (20,000) gallons of wine per year, in conformance with §125, Wisconsin Statutes, and Chapter 10 of the Code of General Ordinances.
10. Bed and Breakfast Establishments.
11. Utility substations and Communication, Radio/Television/Relay Co-locations and Antennas.
12. Rooming and boarding houses above first floor.
13. Storm water detention and retention basins.
14. Drive-thru facilities in conjunction with any permitted use, excluding alcohol beverage sales which may not be made therefrom.
15. Automobile fuel station or automobile fuel and service station, including combination convenience store.
16. Unified Business Center. A commercial development as defined in Section 12.0 of the Zoning Ordinance.
17. Large Scale Commercial Development. A commercial development as defined in Section 12.0 of the Zoning Ordinance.

D. Lot Area and Width.

1. There shall be no minimum lot area or width requirements except that:
a. For structures constructed prior to the effective date of this Ordinance, which contain multiple family residential uses above a first floor, a minimum of five hundred (500) square feet of lot area per dwelling unit shall be provided.
b. For new construction of multiple-family residential uses above a first floor; a two story building shall provide a minimum two thousand (2,000) square feet of lot area per dwelling unit; a three story building shall provide a minimum of one thousand (l,000) square feet of lot area per dwelling unit; and a four or more story building shall provide a minimum five hundred (500) square feet per dwelling unit.

2. Lots used for a rooming and boarding house or a Community Living Arrangement shall provide a minimum of five hundred (500) square feet of lot area per bed.

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed one hundred (100') feet in height, except for communication, radio and television antennas which may be installed to a height in conformance with **Section 2.04 A.3.** of this Ordinance.

F. Yard Requirements.

1. Front Yard. No front yard shall be required except that where the frontage, as defined, lies partly within the B-3 District and partly within a residential district, the residential district yard requirement on that street shall apply as the front yard requirement.

2. Side Yards.

a. Interior Side Yard. No interior side yard shall be required, except that:

(1) Where a side lot line in the B-3 District abuts residential district, there shall be an interior side yard of not less than five (5') feet.

(2) Where land is used for multiple family residential uses above a first floor, the interior side yard requirement shall be:

(a) Two story building: ten (10') feet.

(b) Three story building: twelve (12') feet.

(c) Four or more story building: fourteen (14') feet to be increased two (2') feet for each story over four.

(d) Where a building has a masonry wall without any windows or openings on a side of the building, the interior side yard along that side of the building may be reduced to zero (0), except that when abutting a residential district there shall be an interior side yard of not less than five (5') feet.

(e) For buildings erected prior to November 1, 1963, there shall be an interior side yard of five (5') feet, except that where a building has a masonry wall without any windows or openings on a side of the building, and where a building does not abut a residential district, the interior side yard along that side of the building may be reduced to zero (0) feet.

(3) Where no interior side yard is required, but is voluntarily provided, the interior side yard shall be a minimum of five (5') feet.

(a) The interior side yard shall be a minimum of five (5') feet.

(b) Street Side Yard. No street side yard shall be required except that where a side lot line in the B-3 District fronts on a street and where a rear lot line in the B-3 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. Rear Yard. A rear yard of not less than nine (9') feet is required, except that:

a. Where a rear lot line in the B-3 District abuts an alley, a rear yard equaling nine (9') feet from the center line of the alley is required.

b. Where a rear lot line in the B-3 District fronts on a street and where a side lot line in the B-3 District abuts or is across an alley from a residential district, the residential yard requirement on that street shall apply as the rear yard requirement.

4. Accessory Buildings, Structures or Fences.

a. No accessory building or structure shall be located in any required front or street side yard or in any rear yard which fronts on a street and will be located within twenty-five (25') feet of the public right-of-way.

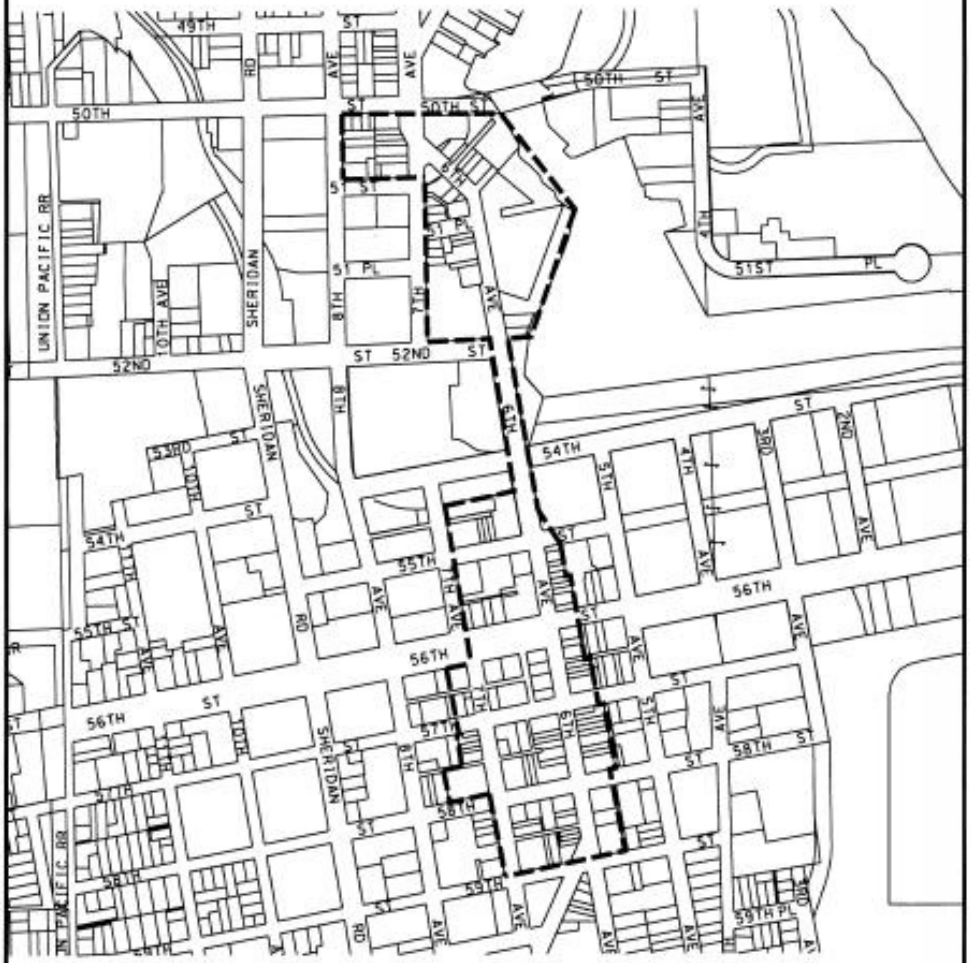
The minimum building to property line setback for the side and rear yards shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and utilized in conjunction with an approved commercial principal use of the property.

b. No fence shall be constructed or reconstructed in any required front yard unless said fence is approved in conjunction with a Conditional Use Permit/Site Plan Review or a variance as granted by the Board of Zoning Appeals.

5. Accessory Uses. No yards shall be required for accessory uses where no building or structure is involved.

CITY OF KENOSHA

Figure 3-1



DCD ~ City Plan Division ~ RAF ~ JBL ~ 7/37/97 ~ ms

3.155 B-4 MIXED-USE DISTRICT

The primary purpose and characteristics of the B-4 Mixed Use District are intended to accommodate retail, service, office, institutional and residential uses characteristic of a mixed-use neighborhood in a manner consistent with an adopted Neighborhood Plan or Site Development Plan in selected areas of the City.

A. Permitted Uses

1. Convenience Retail and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for herein, and in **Section 3.155 D.9.** of this Ordinance:

a. Bakery, retail.
b. Barbershop.
c. Beauty or styling salon.
d. Bicycle sales, rental and repair shop.
e. Book and stationery shop, or newsstand; excluding adult uses, as defined.
f. Camera and photographic supply store.
g. Candy and ice cream store.
h. Clothes and costume rental service.
i. Coffee shop.
j. Dressmaking, tailor or alteration shop.
k. Drugstore.
l. Florist shop.
m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
n. Gift shop
o. Hobby shop
p. Jewelry store.
q. Laundromat and dry cleaning establishment, including clothes or garment pickup/dropoff facilities.
r. Locksmith.
s. Office supply store.
t. Package beverage store.
u. Pet shop.
v. Photocopying center.
w. Record or tape store.
x. Repair, rental or servicing of any article the sale of which is a conditional use in the B-4 District.
y. Restaurant, including outdoor café restaurants and refreshment stands
z. Secondhand and antique shop.
aa. Shoe repair and combination shoe sales.
bb. Tobacco and pipe shop.
cc. Travel bureau and transportation ticket office.
dd. Upholstering shop.
ee. Artisan studio.

2. General Merchandise and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for in **Section 3.155 D.9.**of this Ordinance:

a. Apparel store.
b. Business machine sales and service.
c. Catalog and mail-order store.
d. Department store.
e. Drapery, curtain, and fabric store.
f. Furniture and home furnishing store.
g. Furriers and fur shops.

h. Household appliance store.
i. Interior decorating and picture framing studio
j. Leather goods and luggage store.
k. Musical instrument store.
l. Opticians sales.
m. Orthopedic and medical appliance store.
n. Radio, television, stereophonic and other electronic appliance store.
o. Shoe and boot store.
p. Sporting goods and trophy store.
q. Toy store.
r. Variety store.

3. Miscellaneous Retail Building, Home Improvement and Gardening Supply Stores and uses as follows, all conducted wholly within an enclosed building, except as provided for in **Section 3.155 D 9.** of this Ordinance:

a. Building supply store, not involving the manufacture, treatment or processing of any product other than the cutting and planing which is clearly incidental or essential to the retail business.
b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
c. Floor covering and carpet store.
d. Garden supply store.
e. Hardware store.
f. Paint, glass and wallpaper store.
g. Tool or equipment rental store.

4. Miscellaneous Retail and Service Uses as follows, all conducted wholly within an enclosed building, except as provided for herein, and in **Section 3.155 D.9**. of this Ordinance:

a. Adult day care centers.
b. Bank and other financial institutions, including drive-thru facilities.
c. Bowling alleys and roller skating rinks.
d. Civic, social and fraternal clubs and lodges, and union halls, including for-profit and nonprofit establishments.
e. Funeral homes.
f. Janitorial supply and service stores.
g. Medical clinics or laboratories, excluding hospitals.
h. Nursery and child care centers.
i. Offices; business, professional, governmental, civic, service, philanthropic, political and union.
j. Physical fitness center and health club.
k. Printing and publishing establishments, including newspaper establishments.
l. Private business; dance, driving or martial arts schools, or other similar private schools.
m. Recording and sound studio.
n. Sign painting shop limited to posters, banners, bumper stickers, truck and windows and other nonelectrical advertising displays.
o. Studio for art, dance, music or photography.
p. Tavern and cocktail lounge, and combination restaurant or eatery, including outdoor serving areas.
q. Theater; indoor.

5. Motor Vehicle Uses as follows, provided that all storage shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened:

a. Automobile accessory and parts store.
b. Parking facilities, including structures and ramps. Parking structure and ramp facilities shall be designed with high quality materials that are compatible with other buildings on the site and shall be designed with vertical emphasis and articulation. At least fifty (50%) percent of any parking structure's total ground floor frontage, excluding driveway entrances and elevators, shall be designed to accommodate commercial

or office space.

6. Institutional Uses as follows:

a. Cultural institutions, including libraries, museums and art museums.

b. Educational institutions, including public and private schools.

c. Parks and playgrounds, including buildings and grounds, and properly licensed concessions.

d. Philanthropic and charitable institutions.

e. Public administrative offices and public service buildings, including fire and police stations, community centers and public emergency shelters.

f. Public transportation uses, including municipal bus and transportation terminals.

g. Public and private utility offices.

h. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Conditional Uses. Each principal and accessory use listed in this paragraph B shall require a Conditional Use Permit subject to **Section 4.06 B. 21.** of this Ordinance where construction of a new building or group of buildings on the same lot, or contiguous group of lots, is required. New occupancy of a building for any of the following conditional uses, which does not involve additions, enlargements or expansion, does not require a new Conditional Use Permit.

1. Multiple Family Residences. Such residences may be located at or above the first floor, and attached or detached to another principal use.

2. Elderly and/or Handicapped Multifamily Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities. Such units, living arrangements or facilities may be located at or above the first floor, and attached or detached to another principal use. Assisted living facilities shall also be in conformance with Section 50.034, Wisconsin Statutes, and Chapter HFS89, Wisconsin Administrative Code.

3. Related Elderly Housing Facilities, including management office, service building, clubhouse, centralized recreational facilities, including swimming pools; private, noncommercial tennis and game courts in conformance with Chapter 9 of the Code of General Ordinance; private, noncommercial, common dining room, infirmary and limited medical emergency facilities restricted to serving residents; limited convenience retail and service uses for the benefit of the residents and guests.

4. Outdoor Advertising Signs, in conformance with Chapter 15 of the Code of General Ordinances.

5. Drive-Thru Facilities associated with permitted or conditional uses.

C. Conditional Uses Subject to Section 4.06 B.21. of the Zoning Ordinance, and Additional Standards As Noted.

1. Single family attached residences in conformance with **Section 4.06 A.16.**, Zoning Ordinance..

2. Hotels and motels in conformance with **Section 4.06 B.13.**, Zoning Ordinance.

3. Community Living Arrangements, in conformance with §62.23 (7)(I), Wisconsin Statutes, and **Section 4.06 A.1.**, Zoning Ordinance.

4. Convention center, in conformance with **Section 4.06 B.4.**, Zoning Ordinance.

5. Brewpub or winery, accessory to a restaurant, tavern, cocktail lounge or package beverage store, provided that no greater than thirty (30%) percent of the gross floor area is devoted to any manufacturing or processing, or storage of beverages produced on premises, provided that brewpubs produce no greater than two thousand (2,000) barrels of fermented malt beverages per year, or, that wineries produce no greater than twenty thousand (20,000) gallons of wine per year, in conformance with Section 125, Wisconsin Statutes, Chapter 10 of the Code of General Ordinances, and **Section 4.06 B.12.**, Zoning Ordinance.

6. Bed and Breakfast Establishments in conformance with **Section 4.06 A.7.** of the Zoning Ordinance.

7. Utility substations not visible from public streets or public spaces, in conformance with **Section 4.06 D.11.** of the Zoning Ordinance.

8. Storm water detention and retention basins.

9. Drive-thru facilities in conjunction with any permitted use, excluding alcohol beverage sales, and in conformance with **Section 4.06 B.15** this Ordinance. Drive-thru lanes shall not be located between a building and a major street.

10. Unified Business Center. A commercial development as defined in Section 12.0 of the Zoning Ordinance.

11. Large Scale Commercial Development. A commercial development as defined in Section 12.0 of the Zoning Ordinance.

D. Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.

2. Home occupations in residential dwellings, in conformance with the standards and conditions set forth in Section 3.03 F. of this Ordinance.

3. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance. Loading docks shall be properly screened and/or recessed. Screening shall be accomplished by walls of the same building material as the principal building.

4. Outdoor Dining Areas located in public right-of-ways or major street setback areas, in conjunction with an adjacent bakery, candy and ice cream store, coffee shop, food store, grocery, delicatessen or restaurant in conformance with Section 5.046 of the Code of General Ordinances.

5. Power supply units, external building heating/cooling systems, and other uses normally auxiliary to the principal use. Such equipment shall be screened by fencing, walls or vegetation. Rooftop equipment shall be screened behind parapets or recessed into roofs with matching building materials, and shall be located below the highest vertical element of the building.

6. Public use service building or structure.

7. Trash enclosures. Such enclosures shall be constructed of building materials that match the associated building. Screening shall be provided on three sides and on the fourth side by a gate which also provides screening.

8. Signs in conformance with the following:

a. Nonresidential uses, and residential and nonresidential uses located in the same building, shall be restricted to the requirements of the IP Column in Table 1 of Section 15 of the Code of General Ordinances.

b. Residential uses shall be restricted to the requirements of the RM Column in Table 1 of Section 15 of the Code of General Ordinances.

c. Notwithstanding the above, one (1) gateway entry feature for the overall development that includes a development identification sign and sign directory of nonresidential tenants, as permitted by the Review Authority.

9. Sidewalk display area located on private property along the frontage of each tenant space and in compliance with the Americans With Disabilities Act.

10. Any other accessory use as permitted by the Review Authority.

11. Artisan manufacturing conducted wholly within an enclosed building. Such production of items shall be an accessory use to an artisan studio and shall not cause, create or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

E. Lot Area and Width.

1. Single Family Attached Residences.

a. Single Family Attached Residences Located on Separate Lots. Interior lots shall be required to have a minimum lot area of two thousand five hundred (2,500) square feet and a minimum lot width of twenty-five (25') feet. Corner lots shall be required to have a minimum lot area of three thousand (3,000)

square feet and a minimum lot width of thirty (30') feet.

b. Single Family Attached Residences Located on Common Lot. A series of single family attached residences located on a common property shall be required to have a minimum lot width of twenty-five (25') feet for each interior unit and a lot width of thirty (30') feet for each corner unit. A single family attached residential development shall be required to have a minimum lot area of two thousand five hundred (2,500) square feet for each interior unit and a minimum of three thousand (3,000) square feet for each corner unit.

2. Commercial, Office, Institutional, Multiple-Family Residential, Elderly and/or Handicapped Multi-Family Units, Elderly and Handicapped Community Living Arrangements, and Assisted Living Facilities.

a. There shall be no minimum lot area or width requirements, except that Multiple-Family Residential, Elderly and/or Handicapped Multi-Family uses shall be required to have a minimum of five hundred (500) square feet of lot area per dwelling unit.

b. Lots used for Community Living Arrangements, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities shall be required to have a minimum of five hundred (500) square feet of lot area per bed.

F. Building Height.

1. Principal Buildings or Structures. No building or structure, nor the enlargement of any building or structure, shall exceed five (5) stories or fifty (50') feet in height. Buildings shall be a minimum of twenty-five (25') feet in height at their lowest portion, or as approved by the Review Authority.

2. Accessory Buildings or Structures. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed twenty (20') feet in height.

G. Yard Requirements.

1. Single Family Attached Residences.

a. Front Yard. There shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the front lot line, or from the setback line of any major street. A minimum of ninety (90%) percent of the principal building width measured at ground level shall be located at a consistent build-to line.

b. Side Yards.

(1) Interior Side Yard. There shall be a minimum interior side yard of five (5') feet for one story buildings, and eight (8') feet for two or more story buildings. Interior lots shall have two (2) interior side yards. Single-family attached residences without any windows or openings may have the interior side yard reduced to zero (0') feet when located adjacent to another single-family attached residence, and when approved as part of a planned development through a Conditional Use Permit.

(2) Street Side Yard. There shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the street-side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one interior side yard. A minimum of sixty (60%) percent of the principal building width, or a combination of sixty (60%) of the principal building width and accessory building width, measured at the ground level, shall be located at the build-to line on at least one (1) street side yard.

(3) Rear Lot Access. A minimum nine (9') foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

c. Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet.

d. Distance Between Grouped Buildings. A minimum yard of twenty (20') feet shall be maintained between two (2) or more principal buildings that are constructed on the same lot.

e. Permitted Encroachments Beyond Build-To Line.

(1) Notwithstanding **Section 2.03 D.3.** of the Ordinance, covered or uncovered porches, balconies, stoops, bay windows and stairs shall be permitted to extend into an encroachment zone up to zero (0') feet

from the property line. Such encroachment zone shall be located between the front yard build-to line and front property line, and the street side yard build-to line and street side yard property line.

(2) Eaves may extend up to four (4') feet into the permitted encroachment zone. In no case may an eave extend beyond the property line.

(3) Garden walls or fences shall be permitted along the build-to line or property line at street or public way frontage, or at a common property line. These walls or fences may be made of either the material of the adjacent building, masonry, metal, landscape material or combination of acceptable materials.

f. Accessory Building, Structures or Uses.

(1) Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. The minimum accessory front yard may be reduced by the designated Review Authority.

(2) Accessory Side Yards.

(a) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of two (2') feet.

(b) Accessory Street Side Yard. There shall be a build-to line of fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum combination of sixty (60%) percent of the principal building width and the accessory building width, measured at the ground level, shall be located at the build-to line on at least one street side yard.

(3) Accessory Rear Yard. There shall be a minimum accessory rear yard of two (2') feet.

(4) Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

(5) Maximum Coverage of Lot With Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of fifteen (15%) percent of the lot area, unless approved under a Conditional Use Permit.

(6) Exterior Building and Structure Materials. Exterior building materials for accessory buildings and/or structures shall be consistent with materials used on the principal building(s).

g. Exceptions:

(1) Where primary entrances are located along a street side yard, or a rear yard located along a public street, a minimum of ninety (90%) percent of the principal building width measure at the ground level shall be located at a consistent build-to line.

(2) Where primary entrances are located along a private street, there shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the back of the curb of the private street pavement, or other defined edge as approved by the Review Authority. A minimum of ninety (90%) percent of the principal building width measured at the ground level shall be located at a consistent build-to line.

2. Multiple-Family Residential, Elderly and/or Handicapped Multi-Family Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities.

a. Front Yard. There shall be a build-within range of zero (0') feet to fifteen (15') feet, measured from the front lot line, or from the setback line of any major street. A minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority. The percentage within the build-within range may also be satisfied through a garden wall having a minimum height of three (3') feet when so authorized by the Review Authority.

b. Side Yards.

(1) Interior Side Yard.

(a) One or two story building: ten (10') feet.

(b) Three story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story.

(c) Four story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story, and fourteen (14') feet for the fourth story.

(d) Five story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story; fourteen (14') feet for the fourth story, and sixteen (16') feet for the fifth story.

(e) Where a building has a masonry wall without any windows or openings on a side of a building, the interior side yard along that side of the building may be reduced to zero (0).

(2) Street Side Yard. There shall be a build-within range of zero (0') feet to fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3') feet, measured at the ground level, shall be located within the build-within range on at least one street side yard. The percentage required within the build-within range may be reduced when so authorized by the Review Authority.

c. Rear Yard. A rear yard of not less than ten (10') feet is required unless the rear yard is located along a public street, in which case a build-within range of zero (0') feet to fifteen (15') feet, measured from the rear lot line, or from the setback line of any major street, shall be required. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3') feet, measured at the ground level, shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority.

d. Distance Between Grouped Buildings. A minimum yard of twenty (20') feet shall be maintained between two (2) or more principal buildings that are constructed on the same lot.

e. Permitted Encroachments Beyond Build-To Line.

(1) Notwithstanding Section 2.03 D.3. of the Ordinance, covered or uncovered porches, balconies, stoops, bay windows and stairs shall be permitted to extend into an encroachment zone of range of zero (0') feet to fifteen (15') feet. Such encroachment zone shall be located between the front yard build-to line and front property line, and the street side yard build-to line and street side yard property line.

(2) Eaves may extend up to four (4') feet into the permitted encroachment zone. In no case may an eave extend beyond the property line.

(3) Garden walls or fences shall be permitted along the build-to line or property line at street or public way frontage, or at a common property line. These walls or fences may be made of either the material of the adjacent building, masonry, metal, landscape material or combination of acceptable materials.

f. Accessory Building, Structures or Uses.

(1) Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. The minimum accessory front yard may be reduced by the designated Review Authority.

(2) Accessory Side Yards.

(a) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of four (4') feet.

(b) Accessory Street Side Yard. There shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum combination of sixty (60%) percent of the principal building width and the accessory building width, measured at the ground level, shall be located at the build-to line on at least one street side yard.

(3) Accessory Rear Yard. There shall be a minimum accessory rear yard of four (4') feet, except where a rear yard is located along a public street, in which case there shall be a build-to line of twelve (12') feet, measured from the front lot line, or from the setback line of any major street.

(4) Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

(5) Maximum Coverage of Lot With Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of fifteen (15%) percent of the lot area, unless approved under a Conditional Use Permit.

(6) Exterior Building and Structure Materials. Exterior building materials for accessory buildings and/or structures shall be consistent with materials used on the principal building(s).

g. Exceptions:

(1) Where more than one (1) building has frontage along a major street, a consistent build-to line shall be provided for all buildings, except where approved by the Review Authority.

(2) Where a primary entrance into a building or unit is located on a street side yard, or a rear yard located on a public street, a minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located at a consistent build-to line.

(3) Where an entrance for underground parking is provided from a public street, the build-to line may be increased to a maximum of twenty-five (25') feet.

(4) Where a primary entrance into a building or unit is located along a private street, there shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the back of the curb of the private street pavement, or other defined edge as approved by the Review Authority. A minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located at a consistent build-to line. Elderly and/or Handicapped Multifamily units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities shall not be required to build to the build-to line along a private street.

(5) Build-to lines located on lots with curved property lines at a public or private street may be substituted with a straight line located at the average depth of the curved line. Where two (2) or more buildings are located along a curved property line along a public or private street, a curved build-to line may be substituted with a straight line located at the average depth of the curved line along the frontage of each building.

(6) Encroachments permitted under **Section 3.155 F.2.e.** shall also be permitted where a primary entrance into a building or unit is located along a private street, or when a rear yard is located along a public street. The encroachment zone shall be located between the build-to line and the property line, or other defined edge approved by the Review Authority.

3. Commercial, Office, Institutional and Multiple-Family Residential Above The First Floor.

a. Front Yard. No front yard shall be required; however, no building shall have a yard greater than fifteen (15') feet from a property line along a public street, or the setback line of any major street.

b. Side Yards

(1) Interior Side Yard.

(a) Two story building: ten (10') feet.

(b) Three story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story.

(c) Four story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story, and fourteen (14') feet for the fourth story.

(d) Five story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story; fourteen (14') feet for the fourth story, and sixteen (16') feet for the fifth story.

(e) Where a building has a masonry wall without any windows or openings on a side of a building, the interior side yard along that side of the building may be reduced to zero (0') feet.

(f) Where a building has an interior side yard along a private street, no yard shall be required; however, no building shall be less than twenty (20') feet from another building located across a private street.

(2) Street Side Yard. No street side yard shall be required; however, no building shall have a yard greater than fifteen (15') feet from a property line along a public street, or the setback line of any major street.

c. Rear Yard. A rear yard of not less than nine (9') feet is required unless the rear yard is located along a public street, in which case, the rear yard may be reduced to zero (0') feet. No building shall have a yard greater than fifteen (15') feet from a property line along a public street, or the setback line of any major street.

d. Accessory Buildings, Structures or Fences.

(1) Where a principal building and accessory structure(s) have frontage along a public street, the required yard for the accessory structure(s) shall not be less than the principal building's yard. The minimum building to property line setback for the side and rear yards that do not front on a street shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and used in conjunction with an approved commercial principal use of the property.

(2) No fence shall be constructed in any yard unless said fence is approved through a Conditional Use Permit/Site Plan Review.

(3) Exterior Building and Structure Materials. Exterior building materials for accessory buildings and/or structures shall be consistent with materials used on the principal building(s).

e. Accessory Uses. Landscaping requirements in **Section 14.07 F.** shall be required for accessory

uses where no building or structure is involved.

f. Exceptions:

(1) Where more than one (1) building has frontage along a major street, no yard along the major street shall be greater or lesser than an adjacent building, except where approved by the Review Authority.

(2) Where a building has frontage along two (2) or more public streets not classified as major streets, a maximum yard of fifteen (15') feet shall only be required for one (1) of the public streets.

(3) Where a building has a front yard along a public street and a street side yard along a major street, the Review Authority may approve a setback greater than fifteen (15') feet for the front yard side of the building.

3.16 MANUFACTURING ZONING DISTRICTS - GENERAL REGULATIONS

In addition to the general provisions outlined in **§2.0** of this Ordinance and the requirements of the respective zoning district, uses of land in the manufacturing zoning districts shall meet the following general regulations.

A. Residential Uses Not Permitted.

1. Restrictions. New construction of single family, two-family and multiple-family residences is not permitted in the manufacturing districts, other than residential quarters for an owner, caretaker or watchman.

2. Existing Residences in the Manufacturing Zoning Districts.

a. Reconstruction of Existing Residences in the Manufacturing Zoning Districts. The reconstruction of an existing residential use in the M-1 or M-2 Districts, which has been damaged or destroyed by catastrophe or act of God, is permitted provided the reconstructed building does not exceed the original floor area of the structure and provided such reconstruction is commenced no later than one (1) year after the date of the damage or destruction and provided the building is in conformance with all other provisions of this Ordinance.

b. Additions to Existing Residences in the Manufacturing Zoning Districts. Additions to existing residences in the M-1 or M-2 Districts are not permitted.

B. Yard Requirements Exceptions. On a lot in a manufacturing district where a building line is in existence prior to the effective date of this Ordinance and which provides a yard less than required when adjacent to or across an alley from a residential district, an addition to or reconstruction of the building is permitted provided such addition or reconstruction is no closer to the lot line than the existing building line and provided that the building is in conformance with all other provisions of this Ordinance, including the parking requirements of **§6.01** of this Ordinance.

3.17 M-1 LIGHT MANUFACTURING DISTRICT

The primary purposes and characteristics of the M-1 Light Manufacturing District are intended to provide for light manufacturing and industrial uses, and for warehousing and wholesaling uses of a limited nature and size that do not create appreciable nuisances or hazards.

A. Permitted Uses.

1. Residential quarters for a single caretaker or watchman of a permitted use shall not exceed five hundred (500) square feet in area.
2. Ambulance or taxi service and dispatch center.
3. Bottling company and distribution plant.
4. Contractor's or construction office.
5. Distribution plant.
6. Engineering or scientific laboratory or research establishment.
7. Food commissary.

8. General Merchandise and Service Stores as follows:
a. Business machine sales and service.
b. Factory outlet store, secondary to the principal use.
c. Household appliance sales and service.
d. Repair, rental or service store.

9. Ice and cold storage plant.
10. Industrial laundry, cleaning and dyeing works, and carpet and rug cleaning works.
11. Lithographing, typesetting, photoengraving, photostating or blueprinting.
12. Machine or welding shop excluding presses over twenty (20) tons rated capacity and drop hammers.
13. Mail-order establishment.

14. Manufacturing, processing and/or storage of the following:
a. Apparel and other finished products made from fabrics and similar material.
b. Candles and other wax products.
c. Cosmetic and pharmaceutical products.
d. Electrical and electronic machinery equipment and supplies.
e. Finished paper products, excluding paper and pulp manufacture.
f. Finished products from previously prepared glass, and precious or semiprecious metals or stones.
g. Food and kindred products, except vinegar and yeast, and excluding slaughter and the rendering or refining of fats and oils.
h. Furniture and fixtures.
i. Fur processing, excluding slaughter of animals.
j. Ice and cold storage products.
k. Leather and leather products, excluding tanning and finishing.
l. Lumber and wood products, excluding a planing mill as the principal use.
m. Measuring, analyzing and controlling instruments; photographic, medical, dental, optical and orthopedic goods; watches and clocks.
n. Musical instruments and supplies.
o. Office, computing and accounting machinery, including writing and drafting instruments.
p. Pottery and ceramics using only previously pulverized base materials.
q. Printing, publishing, and allied products.
r. Signs and advertising displays.
s. Sporting goods, novelty and toy products.
t. Textile mill products, including, but not limited to carpet, rug, curtain and drapery products.

u. Tire retreading, recapping or reconditioning.
v. Tobacco.

15. **Miscellaneous Retail and Services Uses** as follows:
a. Janitorial supply and service store.
b. Radio and television station.
c. Recording and sound studio.

16. **Miscellaneous retail building, home improvement and gardening supply stores** and uses as follows:
a. Building supply store, including a sales or lumberyard. Supplies for sale may include rock, sand, gravel and the like, but excluding concrete mixing. Planing mill shall not be principal use.
b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
c. Feed and fuel store.
d. Floor covering and carpet store.
e. Garden supply, commercial nursery, greenhouse or orchard, including wholesale establishments.
f. Mobile or manufactured homes sales and service center, excluding construction.
g. Paint, glass and wallpaper store.
h. Tool or equipment rental store.

17. **Motor vehicle uses** as follows:
a. Automobile and/or truck accessory and parts store.
b. Automobile and/or truck rental or leasing establishment.
c. Automobile or truck sales or service establishment.
d. Automobile and/or truck upholstering or body shop, excluding salvage dealers, shops and yards.
e. Automobile and/or truck wash.
f. Parking facilities, including structure or ramps.
g. Recreation vehicle sales, service and storage establishments.

18. Municipal service and storage buildings.
19. Office building, secondary to the principal use.
20. Photographic processing plant.
21. Public and private utility offices.
22. Public transportation uses, including bus and transportation terminals.
23. Railroad terminal.
24. Sheet metal shop.
25. Small boat building, but not ship building.
26. Storage of petroleum, provided that above ground storage does not exceed a total capacity of five thousand (5,000) gallons.
27. Wholesale and warehouse establishments.
28. Off-Premise Sign in conformance with Section 15.15 of the Code of General Ordinances.

B. Permitted Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.
2. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance.
3. Utility sheds, power supply, external building heating/cooling systems, and other uses normally auxiliary to the principal use.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Airports and commercial heliports, including landing fields, runways, flying schools, hangars, terminal

buildings, and other auxiliary facilities.

2. Storage yard for construction equipment and materials used by a contractor.

3. Aluminum Collection Center.

4. Recycling Collection Center.

5. Utility substations and Communication Towers, Radio/Television/Relay Towers and Antennas.

6. Storm water detention and retention basins.

7. Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation.

8. Self-service storage facilities.

9. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.

10. Golf Range, Batting Range, Batting Cage, or Golf and/or Batting Simulator.

11. Public Safety Communication Towers and Antennas.

D. Lot Area and Width. None.

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed seventy-five (75') feet in height, except for Communication Towers, Radio/Television/Relay Towers and Antennas which may be installed to a height in conformance with **Section 2.04 A.3.** of this Ordinance.

F. Yard Requirements.

1. Front Yard. No front yard shall be required except that where the frontage, as defined, lies partly within the M-1 District and partly within a residential district, the residential district yard requirement on that street shall apply as the front yard requirement.

2. Side Yards.

a. Interior Side Yard. No interior side yard shall be required except that where a side lot line in the M-1 District abuts a residential district, there shall be an interior side yard of not less than five (5') feet. In cases where no interior side yard is required, but is voluntarily provided, the interior side yard shall be a minimum five (5') feet.

b. Street Side Yard. No street side yard shall be required except that where a side lot line in the M-1 District fronts on a street and where a rear lot line in the M-1 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. Rear Yard. A rear yard of not less than nine (9') feet is required, except that where a rear lot line in the M-1 District fronts on a street and where a side lot line in the M-1 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the rear yard requirement.

4. Accessory Buildings or Structures. No accessory building or structure shall be located in any required front, side or rear yard. In cases where a front, side or rear yard is not required, and the accessory building or structure is voluntarily set back from an interior lot line, the accessory building or structure shall maintain an accessory yard of not less than five (5') feet. In cases where a front, side or rear yard is not required, and the accessory building or structure is of wood frame or unprotected metal construction and is less than five hundred (500) square feet in floor area, the accessory building or structure shall maintain an accessory yard of not less than five (5') feet from any interior lot line.

5. Accessory Uses. No yards shall be required for accessory uses where no building or structure is involved.

3.18 M-2 HEAVY MANUFACTURING DISTRICT

The primary purpose and characteristics of the M-2 Heavy Manufacturing District are intended to provide for heavy manufacturing and industrial uses.

A. Permitted Uses.

1. Any use permitted in the M-1 Light Manufacturing District.

B. Permitted Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.
2. Off-street parking and loading spaces and facilities, in conformance with **§6.0** of this Ordinance.
3. Utility sheds, power supply, external building heating/cooling systems, and other uses normally auxiliary to the principal use.

C. Conditional Uses. (**See §4.0** of this Ordinance for the conditional use review procedures).

1. Airports and commercial heliports, including landing fields, runways, flying schools, hangars, terminal buildings, and other auxiliary facilities.
2. Hazardous waste sites and facilities.

3. Manufacturing, processing and/or storage of the following:
a. Acid.
b. Cement, lime and gypsum.
c. Explosives.
d. Fat and oil, including rendering and refining.
e. Fertilizer.
f. Glue.
g. Leather tanning and finishing.
h. Petroleum, including refining and storage of petroleum or petroleum products in aboveground tanks which exceed five thousand (5,000) gallons in total capacity.
i. Tar and asphalt, including refining and batch plants.
j. Yeast.
k. Abrasive and asbestos.
l. Acetylene gas.
m. Aircraft and aircraft supplies.
n. Automobiles and automobile parts.
o. Battery plant, only with previously processed acid and acidic products.
p. Brick, tile, or terra cotta.
q. Chemicals, soaps, alcohol, and vinegar products.
r. Graphite.
s. Household appliances.
t. Insulating materials.
u. Linoleum and other hard surface floor coverings. Ceramic floor and wall tile.
v. Machinery, tools and dies.
w. Motor vehicles and motor vehicle equipment.
x. Paint and paint products.
y. Paper and allied products, including potash and charcoal.
z. Primary metals
aa. Pyroxylin.
bb. Rubber and miscellaneous plastic products.

cc. Stone, glass, and concrete products, excluding cement line or gypsum.
dd. Transportation equipment.
ee. Wire, rope, cord, twine, and other cordage products.

4. Mining operations, including a quarry or stone mill and rock crushers.
5. Power generating plant.
6. Resource recovery plant.
7. Salvage dealers.
8. Salvage shops.
9. Salvage yards.
10. Smelting of metals, ores or alloys.
11. Stock yards or slaughter houses.
12. Storage yard for construction equipment and materials used by a contractor.
13. Aluminum Collection Center.
14. Recycling Collection Center.
15. Incinerator.
16. Waste Disposal, Treatment and Transportation Facility.
17. Concrete mixing plant.
18. Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation.
19. Storm water detention and retention basins.
20. Utility substations and Communication Towers, Radio/Television/Relay Towers and Antennas.
21.
22. Blast furnace or coke oven.
23. Boiler works.
24. Ceramic base and pottery material mixing.
25. Construction of Manufactured/Mobile Homes and modular buildings and structures.
26. Feed mill.
27. Foundry or forge plant
28. Grain storage and processing.
29. Machine or welding shop with presses over twenty (20) tons rated capacity and/or drop hammers
30. Metal and ore reduction and refinement, excluding smelting.
31. Planing mill, as a principal use.
32. Plating works.
33. Railroad repair or freight yard, shop or terminal.
34. Rolling mills.
35. Salt works.
36. Self-Service Storage Facilities
37. Ship building and repair.
38. Off-Premise Sign not in conformance with Section 15.15 H.5 or 15.15 H.7 of the Code of General Ordinances or Digital Display Off-Premise Sign.
39. Golf Range, Batting Range, Batting Cage, or Golf and/or Batting Simulator.
40. Public Safety Communication Towers and Antennas.

D. Lot Area and Width. None.

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed one hundred (100') feet in height, except for Communication Towers, Radio/Television/Relay Towers and Antennas which may be installed to a height in conformance with **Section 2.04 A.3.** of this Ordinance.

F. Yard Requirements.

1. Front Yard. No front yard shall be required except that where the frontage, as defined, lies partly

within the M-2 District and partly within a residential district, the residential district yard requirement on that street shall apply as the front yard requirement.

2. Side Yards.

a. Interior Side Yard. No interior side yard shall be required, except that where a side lot line in the M-2 District abuts a residential district, there shall be an interior side yard of not less than five (5') feet. In cases where no interior side yard is required, but is voluntarily provided, interior side yard shall be a minimum five (5') feet.

b. Street Side Yard. No street side yard shall be required except that where a side lot line in the M-2 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. Rear Yard. A rear yard of not less than nine (9') feet is required, except that where a rear lot line in the M-2 District fronts on a street and where a side lot line in the M-2 District abuts or is across an alley from a residential district, the residential yard requirement on that street shall apply as the rear yard requirement.

4. Accessory Buildings or Structures. No accessory building or structure shall be located in any required front, side or rear yard. In cases where a front, side or rear yard is not required, and the accessory building or structure is voluntarily set back from an interior lot line, the accessory building or structure shall maintain an accessory yard of not less than five (5') feet. In cases where a front, side or rear yard is not required, and the accessory building or structure is of wood frame or unprotected metal construction and is less than five hundred (500) square feet in floor area, the accessory building or structure shall maintain an accessory yard of not less than five (5') feet from any interior lot line.

5. Accessory Uses. No yards shall be required for accessory uses where no building or structure is involved.

3.19 I-P INSTITUTIONAL-PARK DISTRICT

The primary purposes and characteristics of the I-P Institutional-Park District are intended to provide for areas which are primarily devoted to public, institutional and recreational uses. Office uses, which are related to the character and operation of the permitted civic, governmental and institutional uses, are permitted as appropriate mixed uses.

A. Permitted Uses.

1. Agriculture.
2. Bicycle, hiking, nature and cross-country ski trails.
3. Botanical and zoological gardens.
4. Cemeteries, mausoleums, crematoriums and pet cemeteries, including buildings.
5. Civic, social and fraternal clubs and lodges, nonprofit.
6. Convalescent and nursing home, including extended medical care facilities and adult day care centers.
7. Cultural institutions, including libraries, museums and art galleries.
8. Educational institutions, including public and private elementary and secondary schools, colleges and universities and related dormitories, and school administrative offices.
9. Funeral homes.
10. Golf courses
a. Private, including food and alcoholic beverages sales ancillary to the permitted golf course upon obtaining applicable licenses.
b. Public, including food and fermented malt beverages sales ancillary to the permitted golf course.
11. Greenhouse or arboretum, public.
12. Historic monuments.
13. Health services, including offices of state licensed health practitioners such as a doctor, dentist, or chiropractor, medical and dental laboratories, outpatient care facilities and other health and allied services operated by a State licensed health practitioner.
14. Hospitals.
15. Nursery and child care centers.
16. Offices; professional, civic, service, philanthropic, political and union, which are related to the character and operation of a use permitted in the I-P District.
17. Parking structures and ramps.
18. Philanthropic and charitable institutions.
19. Public administrative offices, and public service buildings and uses, including fire and police stations, community centers, and public emergency shelters.
20. Public parks and playgrounds, including building and grounds, and properly licensed concessions.
21. Restaurants located within public park buildings and grounds, upon:
a. A properly executed Lease Agreement with the City of Kenosha; and,
b. Obtaining applicable licensing pursuant to State law and local Ordinances.
22. **Public transportation uses**, as follows:
a. Municipal airports and heliports, including landing fields, runways, taxiways, together with hangars, terminal buildings and aviation uses permitted under and as regulated by §18.03 "Airport Development Code" of the Code of General Ordinances.
b. Municipal bus terminal, and related uses, including equipment storage areas and maintenance buildings.
c. A municipally owned Marina, operated by the municipality or by a licensee or lessee, to include the leasing or rental of boat slips and mooring spaces, the providing of boat lift in and lift out services, boat sales incidental to a Marina operation, boat storage incidental to a Marina operation, the sale of products and services associated with boating or the provisioning of boats, and boat repair incidental to a Marina operation.
23. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries,

rectories, parsonages, parish houses, and residential quarters for clergy. Quarters are permitted to be located on the same lot with a religious institution.

24. Refuge Center, licensed in accordance with Chapter 13 of the Code of General Ordinances.

B. Permitted Accessory Uses.

1. Garages for the storage of vehicles used in conjunction with a permitted principal use.

2. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use and in conformance with **§6.01** of this Ordinance.

3. Off-street loading spaces and facilities in conformance with **Section 6.02** of this Ordinance.

4. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances and limited to signs identifying a permitted use, not exceeding sixty (60) square feet in area per lot, with the following exceptions:

a. Signs, not exceeding eight (8) square feet in area per lot, pertaining to the lease, rental, or sale of a permitted building or structure or identifying permitted Community Living Arrangements and Bed and Breakfast Establishments

b. Signs, not exceeding sixteen (16) square feet in area per lot, identifying permitted agricultural uses, conference centers, health services, nursery and child care centers, adult day care centers, and offices.

c. Signs, not exceeding one hundred (100) square feet in area per lot, identifying permitted hospitals, public administrative offices, public service buildings and uses, and religious institutions.

d. Signs, identifying permitted arenas, auditoriums, exhibition halls and stadiums; penal, disciplinary, mental health and reform institutions; and public transportation uses, which shall not have any area restrictions, except as outlined in said Chapter 15.

5. Service buildings and facilities normally auxiliary to a permitted principal use.

6. Heliports for Emergency Medical Centers.

7. Food and nonalcoholic beverage sales in conjunction with the following principal or conditional uses upon obtaining applicable licenses:

a. Colleges, technical schools and universities.

b. Conference centers and/or bed and breakfast establishments.

c. Cultural institutions, including libraries, museums and art galleries.

d. Hospitals.

e. Public transportation uses under **Section 3.19 A.22.** of this Ordinance.

C. Conditional Uses. (See **§4.0** of this Ordinance for the conditional use review procedures).

1. Arena, auditorium, exhibition halls and stadiums.

2. Community Living Arrangements, in conformance with §62.23 (7)(i), Wisconsin Statutes.

3. Penal, disciplinary, mental health and reform institutions.

4. The rental or lease of pier or dock space to the public, the operation of which is conducted and owned by a private individual or corporation, and meeting the standards of **§4.06 D.7.** of this Ordinance.

5. Conference Center and/or Bed and Breakfast Establishment.

6. Notwithstanding **§3.19 G.**, a shelter facility.

7. Utility substations and Communication Towers, Radio/Television/Relay Towers and Antennas.

8. Storm water detention and retention basins.

9. Financial institutions, including related drive-thru facilities.

10. Development consisting of two (2) or more buildings for permitted or conditional uses located on a single parcel of land or contiguous parcels, which are part of the same development.

11. A building with twenty thousand (20,000 sq. ft.) square feet or greater of gross floor area which contains permitted or conditional use(s).

12. Medical transportation offices used exclusively for arranging transportation of individuals to and from health care providers as defined in §146.81, Wisconsin Statutes but excluding taxicab offices and vehicle maintenance facilities.

13. Public Safety Communication Towers and Antennas.

D. Lot Area and Width. There shall be no minimum lot area or width requirements except for existing residential uses, which shall provide a minimum lot area and width as would be required if such residences were located in the Rg-2 General Residential District, **§3.09** of this Ordinance.

E. Building Height. No building or structure, nor the enlargement of any building or structure, shall exceed forty-five (45') feet in height, except for Communication Towers, Radio/Television/Relay Towers and Antennas which may be installed to a height in conformance with **Section 2.04 A.3.** of this Ordinance.

F. Yard Requirements.

1. Front Yard. No front yard shall be required except that where the frontage, as defined, lies partly within the I-P District and partly within a residential district, the residential yard requirement on that street shall apply as the front yard requirement.

2. Side Yards.

a. Interior Side Yard. No interior side yard shall be required except that where a side of a lot in the I-P District abuts a residential district, the interior side yard of the lot in the I-P District shall not be less than five (5') feet. In cases where no interior side yard is required, but is voluntarily provided, the interior side yard shall be a minimum five (5') feet.

b. Street Side Yard. No street side yard shall be required except that where a side lot line in the I-P District fronts on a street and where a rear lot line in the I-P District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the street side yard requirement.

3. Rear Yard. A rear yard of not less than nine (9') feet is required, except that:

a. Where a rear lot line in the I-P District abuts an alley, a rear yard equaling nine (9') feet from the center line of the alley is required.

b. Where a rear lot line in the I-P District fronts on a street and where a side lot line in the I-P District abuts or is across an alley from a residential district, the residential yard requirement on that street shall apply as the rear yard requirement.

4. Accessory Buildings, Structures or Fences.

a. No accessory building or structure shall be located in any required front or street side yard or in any rear yard which fronts on a street and will be located within twenty-five (25') of the public right-of-way.

The minimum building to property line setback for the side and rear yards shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and utilized in conjunction with an approved commercial principal use of the property.

b. No fence shall be constructed or reconstructed in any required front yard unless said fence is approved in conjunction with a Conditional Use Permit/Site Plan Review or a variance as granted by the Board of Zoning Appeals.

5. Accessory Uses. No yards shall be required for accessory uses where no building or structure is involved, except for off-street parking spaces and facilities, which shall not be located in any required front or street side yard.

6. Yards for Existing Residences. Existing residential uses, located in the I-P District, shall provide front, side, rear and accessory yards as would be required if such residential uses were located in the RG-2 General Residential District, **§3.09** of this Ordinance.

G. Restrictions on Residential Uses in the I-P District.

1. Restrictions. New construction of single family, two-family and multiple-family residences is not permitted.

2. Existing Residences - Reconstruction of Existing Residences. The reconstruction of an existing residential use, which has been damaged or destroyed by catastrophe or act of God is permitted provided that the reconstructed building does not exceed the original floor area of the structure and provided such reconstruction is commenced no later than one (1) year after the date of damage or destruction provided the building is in conformance with all other provisions of this Ordinance.

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.**

The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the Flood Insurance Rate Map.

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 Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.00 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;

b. Does not have a high flood damage potential;

c. Structure is constructed to minimize flood damage;

d. It must be anchored to resist flotation, collapse, and lateral movement;

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

f. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of a regional flood;

g. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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 Statues, 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 SPS 383, 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 floodway which comply with the regulations for the floodplain area occupied.

3.21 GFP GENERAL FLOODPLAIN DISTRICT

A. Applicability. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a base flood elevation or floodway boundary determined, including A, AO, and AH Zones on the Flood Insurance Rate Map.

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.

1. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

a. at or above the flood protection elevation; or
b. two (2) feet above the highest adjacent grade around the structure; or
c. the depth as shown on the Flood Insurance Rate Map

2. In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwater around structures.

D. Determining Floodway and Floodplain Fringe Limits. Upon receiving an application for development within the General Floodplain District, the 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 and the flood zone as shown on the Flood Insurance Rate Map

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 Hydrologic and Hydraulic study as specified in Section 8.05;
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. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

3.22 PDO PLANNED DEVELOPMENT OVERLAY DISTRICT

The primary purpose and characteristics of the PDO Planned Development Overlay District are intended to promote innovative, well-designed residential developments which are planned as a unit, preserve open space, respect the natural characteristics of the land and which may reduce the overall costs of the development. The PDO District is a supplemental zoning classification applied "over" an underlying zoning district or districts to provide an opportunity to develop land in a manner that does not fit the configuration or standards of the underlaying zoning districts. The PDO District will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining the residential density standard set forth in the underlying zoning district(s).

An authorization of a PDO District zoning classification requires Common Council approval of both a Conditional Use Permit and a rezoning. The Conditional Use Permit authorizes the use of the development site according to stated conditions, while the rezoning indicates the authorized location of the development site. Any stated conditions and the rezoning shall be recorded with the Kenosha County Register of Deeds and be filed with the Administrator under the title "Developer's Declaration".

Index to §3.22:

A. Procedural Requirements
B. "Developer's Declaration"
C. Changes and Additions
D. Subsequent Land Division
E. Commencement of Construction and Construction Schedule

A. Procedural Requirements-Creation of PDO District:

1. Pre-Petition Conference. Prior to the official submission of the petition for the approval of a PDO District, the owner or owner's agent making such petition shall meet with the Department of Community Development and Inspections to discuss the scope and proposed nature of the contemplated development.

2. Petition-Required Documents and Plans. Following the pre-petition conference, the owner or owner's agent may file a petition with the City Clerk for approval of a PDO District. Such petition shall be accompanied by the fee established therefor by the Common Council, from time to time, by Resolution, as well as a "Development Statement" and "Development Plan", as described below. The "Development Statement" shall set forth the general character of the proposed planned development and include the following information:

a. Total area to be included in the PDO District, area of common open space, proposed number of dwelling units, residential density computations, and availability of or requirements for municipal services and utilities.

b. A general summary of the total estimated value of the completed development including structures, site improvement costs, landscaping and special features.

c. Title and certificates indicating present tract ownership according to the official records of the Kenosha County Register of Deeds and title under which the proposed development is to be recorded, with names and addresses of owners.

d. Articles of Incorporation and By-Laws of any property owners' or managements' association, which may be proposed to be established for the purpose of providing any necessary private services and maintenance of common open space including a "Common Open Space Covenant", as specified in **§3.22 A.3.c.(20)** of this Ordinance, which will govern the use and maintenance of common open space; and copies of any other covenants or deed restrictions which will govern the use, maintenance and continued protection of the planned development.

e. Any development held under condominium ownership shall meet the minimum requirements of Chapter 703, "Condominiums", of the Wisconsin Statutes, and shall provide a copy of all documents required

under Chapter 703 which are required to be recorded with the Kenosha County Register of Deeds.

f. Any proposed departures from the standards of the underlying zoning district(s) as set forth in this Ordinance.

g. The expected date of the commencement of the physical development of the site, which shall include a statement outlining the amount of construction which shall constitute "commencement of the physical development of the site". As a condition of processing, this date and statement shall be mutually agreed upon by the petitioner and the City and shall be used to assure compliance with **§3.22 E.1.** of this Ordinance.

h. A written construction schedule mutually agreed upon by the petitioner and the City, which details the amount of completed construction which will be equivalent to seventy-five (75%) percent of the projected cost of the development, as outlined in **§3.22 A. 2.b.** of this Ordinance. For purposes of this Ordinance, such figure shall be referred to as the amount of development construction which has been "substantially completed". This figure will be used to assure compliance with **§3.22 E.2.** of this Ordinance.

i. A performance or surety bond equaling the total estimated value of the completed development as outlined in **§3.22 A.2.b.** of this Ordinance. This bond will be used to assure compliance with **§3.22 E.2.** of this Ordinance.

The **"Development Plan"** detailed on a drawing or a series of drawings, at a scale and size appropriate for recording purposes, shall include:

j. A legal description of the boundaries of the subject property included in the proposed PDO District.

k. The location and specifications of public and private roads, driveways, parking facilities and sidewalks.

l. The designation of adequate provisions for the access of fire and police vehicles to any lot or common open space.

m. The size, arrangement, and location of proposed structures, including architectural plans, elevation and perspective drawings.

n. The location of recreational areas, common open space areas and areas reserved or dedicated for public uses, including parks and drainageways. Certificates, seals, and signatures required for the dedication of land and recording of the document.

o. Landscape Plan and specifications.

p. The existing and proposed location of municipal and private utilities or other easements.

q. A Drainage Plan showing existing topography at a contour interval of not less than two (2) feet; spot elevations of high points, depressions, and wet areas, with any previous flood elevations; floodplain boundaries, if applicable; and soil characteristics where applicable. The drainage plan shall also show proposed topography of the site denoting elevations and natural drainage after construction, and the location of any proposed storm water retention areas, gutters, culverts or other drainage facilities.

r. A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, if subdivided lands are included in the planned development.

The submission of one or more of the above documents and plans, or a portion(s) of any one of the above documents and plans may be waived by the Department of Community Development and Inspections when such are not applicable for the review of a particular type of development.

3. Review of the Petition.

a. Referral to Plan Commission. The petition for a PDO District shall be referred to the City Plan Commission for its review, public hearing, and recommendation. The Commission may require or impose any conditions or restrictions which it may deem necessary or appropriate.

b. Common Council. The Commission shall forward its recommendations to the Common Council who shall hold a public hearing. Notice for such hearing shall include reference to the "Development Statement" and "Development Plan" filed in conjunction with the requested PDO District.

c. Standards for Approval of the Petition. The Commission, in making its recommendation and the Common Council, in making its decision shall consider whether the following standards have been met:

(1) The petitioners for the proposed PDO District shall indicate that they intend to commence the physical development of the planned development as outlined in **§3.22 A.2.g.** of this Ordinance and that the development will be carried out according to the written construction schedule as outlined in **Section 3.22 A.(2)(h)** of this Ordinance. The construction schedule shall be a binding legal agreement between the

developer and the City, requiring signatures of the authorized agent of the planned development and of the City. Failure of the developer to commence the physical development of the planned development within the specified time period, or failure of the developer to complete the development as agreed under the construction schedule, empowers the City to take the necessary actions specified in **§3.22 E.** of this Ordinance.

(2) That the proposed PDO District is consistent with the purpose of this Section and the spirit and intent of this Ordinance; is in conformity with the adopted comprehensive plan or any adopted component thereof; and that the planned development would not be contrary to the public health, safety and general welfare of the community.

(3) Individual lots, buildings, streets, and parking spaces and facilities shall be designed and situated to minimize alteration of the natural site features to be preserved.

(4) The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

(5) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

(6) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas of the proposed development.

(7) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the City.

(8) The planned development shall have proper placement of all utility systems, in conformance with applicable City ordinances and utility rules and regulations. The approval may require the underground installation of lines and distribution points, the elimination of poles and overhead lines, and the simultaneous organization and installation of all utility systems. New subdivisions require underground installation of utility systems per Chapter 17 of the Code of General Ordinances.

(9) At the time of the filing of the petition, the entire tract or parcel(s) of land to be included in a PDO District shall be held under single or corporate ownership, and the petition for such PDO District shall be considered as one (1) tract or parcel.

(10) Minimum Area Requirements. Areas designated as PDO Districts shall, at the time of petition, contain a minimum development area of five (5.0) acres.

(11) Permitted Locations. Areas designated as PDO Districts are permitted in the Rs-1 Single Family, the Rs-2 Single-Family, the Rd Two-Family, the Rm-1 Multiple-Family and the Rm-2 Multiple-Family Residential Zoning Districts, and any combination thereof.

(12) Permitted Uses. Any use permitted in the underlying zoning district(s); however, all permitted uses within the PDO District shall be subject to review by the Commission at the time of petition and shall not be permitted solely by right.

(13) Permitted Accessory Uses. Any accessory use permitted in the underlying zoning district(s).

(14) Conditional Uses. Any conditional use permitted in the underlying zoning district(s). The review of conditional uses proposed to be located within the planned development would be conducted as part of the overall review of the PDO District petition.

(15) Density. The net density in the planned development area shall not exceed the maximum number of dwelling units that would have been permitted within the underlying zoning districts if the PDO District had not been utilized.

(16) Minimum Lot Area Requirements.

(a) Minimum Lot Area. Provided the overall number of dwelling units per acre (density) is not increased beyond the number of dwelling units that would have been permitted if the PDO District had not been utilized, and provided adequate open space is maintained, the planned development may include lot areas per dwelling unit smaller than those normally required in the underlying zoning district, however, no lot shall be less than the minimum lot areas indicated below:

Use	Minimum Lot Area per Dwelling Unit (square feet)
(a) Single-Family	5,000
(b) Two-Family	3,000
(c) Multiple-Family (1 Story)	2,250

(d) Multiple-Family (2 Story)	2,000
(e) Multiple-Family (3 Story)	1,000
(f) Multiple-family (4 or More Stories)	500

(b) Minimum Lot Width. Provided lot areas are not less than the minimum lot areas described in **§3.22 A.3.c.(16)(a)** of this Ordinance, the planned development may include lot widths smaller than those normally required in the underlying zoning district; however, no lot shall be less than the minimum lot widths indicated below:

Use	Minimum Lot Width (feet)
(a) Single-Family	40
(b) Two-Family	50
(c) Multiple-Family (Less than 12 Dwelling Units)	60
(d) Multiple-Family (12 Dwelling Units or More)	70

(17) Building Height. The planned development may include buildings and structures erected at a height which exceeds the height permitted in the underlying district(s), however, no building or structure shall exceed the maximum building heights indicated below:

Use	Maximum Height (feet)
(a) Single-and Two-Family Residence	35
(b) Multiple-Family (Less than 12 Dwelling Units)	45
(c) Multiple-Family (12 Dwelling Units or More)	100
(d) Accessory Buildings or Structures	20

(18) Yard Requirements. Within the boundaries of the planned development, such development may include yards less than those required in the underlying zoning district(s), except that along the periphery of such planned development, yards shall be provided as follows:

Type of Yard	Minimum Yard (feet)
(a) Front Yard	25
(b) Side Yards Interior	10
(c) Street	12.5
(d) Rear Lot Access	9
(e) Rear Yard	30

(19) Accessory Buildings, Structures or Uses. Within the boundaries of the planned development, such development may vary the underlying district requirements for accessory buildings, structures or uses, except the following minimum standards shall be as follows:

Accessory Building, Structures of Uses	**Minimum Standard**
(a) Accessory Front Yard	25
(b) Accessory Side Yard Interior	2
(c) Street	12.5
(d) Accessory Rear Yard	2
(e) Maximum Coverage of a Lot, With Accessory Buildings & Structures	None

(20) Common Open Space Standards.

(a) "Common Open Space Covenant". All common open space shall be protected by a "Common Open Covenant", approved by the Commission and sufficient to assure its maintenance and preservation. Such "Common Open Space Covenant" shall specify: ownership of any common open space; property rights of owners to such common open space; method of maintenance; responsibility of maintenance, maintenance assessment and insurance; enforcement of nonpayment of assessments; enforcement of negligent maintenance; an agreement that noncompliance with said covenant enables the City to assess the property owners of the common open space, to cover the cost of assuming maintenance or improvements; a warranty that any change in such covenant will not be made without the consent of the Commission and the Common Council; and any other specifications deemed necessary by the Commission and the Common Council. Said covenant shall obligate the stated responsible party to adequately maintain any common open space and complete any necessary improvements to any common open space.

(b) Recording of the **"Common Open Space Covenant"**. Such covenant shall be written so as to run with the land and the covenant shall become part of the deed to each lot or parcel within the development. Such covenant shall be contained within the "Developer's Declaration" and shall be recorded with the Kenosha County Register of Deeds and filed with the Administrator.

(c) Enforcement of the **"Common Open Space Covenant"**. Noncompliance with the above standards governing common open space, empowers the City, as well as other owners in the development, to enforce the "Common Open Space Covenant". If the City determines that the responsible party is not in compliance with any provisions of the covenant and is not satisfactorily maintaining the common open space, or has not made the necessary improvements to the common open space, the City may, at its own discretion, maintain the common open space, or complete any necessary improvements to the common open space, and may specifically assess the property owners within the development which have a right of enjoyment of the common open space, an amount of money sufficient to cover any costs incurred by the City. Such charges shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefor and if not paid, such charges will be placed on the property tax roll as a special assessment.

(d) Any common open space held under condominium ownership shall meet the minimum requirements of Chapter 703, "Condominiums" of the Wisconsin Statutes and shall provide a "Common Open Space Covenant" as part of the required condominium declaration.

4. Decision. The Common Council, after due consideration of the standards outlined above, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. Common Council approval of a PDO District shall be considered approval of the "Developer's Declaration", which shall contain the elements described in **Section 3.22 B.** of this Ordinance.

B. "Developer's Declaration"

1. Required Elements of "Developer's Declaration". The "Developer's Declaration" shall be

prepared by the petitioner utilizing the documents which were required to be submitted by the developer under **§3.22 A.2.** of this Ordinance, and shall contain the following all assimilated into a document suitable for recording purposes:

a. The submitted "Development Statement", with any amendments.

b. The submitted "Development Plan", with any amendments.

c. A record of the decision of the Common Council, exceptions granted, conditions applied or modifications ordered. Such record shall include any exceptions in minimum lot area and width, building height and yard requirements, which were agreed upon.

d. A copy of the rezoning, noting the approved location of the PDO District.

e. Notarized signatures of the authorized agent of the development and of the City.

The recording of one or more of the documents and plans, or a portion(s) of any one of the above documents and plans may be waived by the Department of Community Development and Inspections when such is not applicable for a particular type of development.

2. Filing and Recording of Approved "Developer's Declaration". A copy of the approved "Developer's Declaration" containing the information required under **§3.22 B.1**. of this Ordinance shall be filed with the Administrator and shall be recorded with the Kenosha County Register of Deeds by the developer. Proof of such recording shall be required prior to the issuance of Building Permits.

3. Deed Clause Referencing the Approved "Developer's Declaration". Each individual deed within the development shall contain a clause referencing the approved "Developer's Declaration" and clarifying title to ownership of any common open space. Such clause shall be binding on the owner of the deed, their successors, grantees and assigns.

C. Chances and Additions. A planned development shall be developed only according to the approved and recorded "Developer's Declaration" and all supporting data. The recorded "Developer's Declaration" and supporting data together, with all recorded amendments, shall be binding on the petitioners, their successors, grantees and assigns.

1. Major Changes. Subsequent changes which alter the concept or intent of the planned development, shall be defined as a "major change" and shall include the following:

a. Any change in the boundaries of the PDO District.

b. Any change in the permitted use to a less restrictive use.

c. Any construction of an accessory building or structure which is greater than seven hundred fifty (750) square feet in area.

d. Any increase in the number of dwelling units. Such change shall not result in a density greater than that permitted within the underlying zoning district(s).

e. Any change in the lot area or width requirements which were established at the time of approval.

f. Any change in the yard requirements which were established at the time of approval.

g. Any change in the amount or maintenance responsibility of common open space.

h. Any change in street locations or alignment.

i. Any change in the drainage plan.

j. Any change in the final governing agreements, provisions or covenants, agreed upon at time of approval.

k. Any subsequent land division, as defined in **§3.22 D.** of this Ordinance.

l. Any other change which is determined by the Administrator to constitute a major change.

The Administrator shall forward any major change to the Commission and the Common Council for approval. Notice of the proposed change shall be given to all current property owners within the planned development, at the expense of the petitioner, and shall be forwarded to any established association, pursuant to the procedures of the submitted association By-Laws. Such major change must be submitted as an amendment to the PDO District, shall follow the petition procedures of this subsection and be subject to the payment of the applicable fee provided for in **§11.0** of this Ordinance.

2. Minor Changes. The Administrator may approve minor changes in the planned development which do not alter the concept or intent of the planned development, without Commission or Common Council approval. The Board of Appeals may approve any variance in the planned development which does not constitute a major change, as defined, and which does not alter the concept or intent of the planned development, without Commission or Common Council approval. Minor changes are defined as any change not defined as major change.

D. Subsequent Land Division. Any division of land or lands, as defined in Chapter 17 of the Code of General Ordinances, within the PDO District shall be forwarded to the Commission and Common Council for approval. Such division of any land or lands must also be accomplished pursuant to the land division regulations of the City Ordinances and State Statutes and when such division is contemplated, a preliminary plat of the lands to be divided may be required.

E. Commencement of Construction and Construction Schedule.

1. Commencement of Construction. Failure to "commence the physical development of the site" as defined in **§3.22 A.2.g.** of this Ordinance, within the specified date as stated in the recorded "Developer's Declaration", empowers the Commission to initiate action to revoke the approved Conditional Use Permit and to rescind the PDO District designation on the Official Zoning Map. Such action allows the land in question to revert to its underlying zoning district(s) classification. Such action requires that the developer or owner of record of any lot in default be notified at least sixty (60) days prior to the date of the revocation and recision of public hearing. Upon Common Council approval to revoke the Conditional Use Permit and to rescind the PDO District designation, the standards of the underlying zoning district(s) shall be in effect and no vested rights in the PDO Overlay District shall be deemed to have been accrued. The Common Council, for good cause, may extend for a reasonable period of time, not to exceed one (1) year, the period for the developer to "commence the physical development of the site".

2. Construction Schedule. Failure to "substantially complete" the development, as stated in the recorded "Developer's Declaration" empowers the Commission to initiate action for the City to, at its own discretion, make claim against the required performance or surety bond, as required under **§3.22 A.2.i**. of this Ordinance, and to direct the appropriate authorities to fully complete the development.

Such action requires that the developer or owner of record of any undeveloped lot(s) in default be notified at least sixty (60) days prior to the date of the Commission public hearing at which a recommendation on such action will be forwarded to the Common Council. The Common Council, for good cause, may extend for a reasonable period of time, not to exceed one (1) year, the period for the developer to "substantially complete" the development. For purposes of this Section, the amount of construction which shall constitute "substantial completion" of the development shall be equivalent to the figure mutually agreed upon by the petitioner and the City under **§3.22 A.2.h.** of this Ordinance.

3.23 SWO SHORELAND WETLAND OVERLAY DISTRICT

The primary purpose and characteristics of the SWO Shoreland Wetland Overlay District are intended to:

1. Promote the public health, safety, convenience and general welfare;
2. Maintain the storm and flood water storage capacity of wetlands;
3. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
5. Prohibit certain uses detrimental to the shoreland-wetland area; and,
6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities; since uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the City would adversely affect the public health, safety, convenience, and general welfare and impair the tax base.

A. District Boundaries. The Shoreland-Wetland Overlay Zoning District includes all wetlands in the City which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Ordinance and which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds or flowages in the City shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Kenosha County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance.

2. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance. Floodplain zoning maps adopted in **§3.01 A.**, shall be used to determine the extent of floodplain areas.

Determination of navigability and ordinary high water mark location shall initially be made by the Administrator. When questions arise, the Administrator shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark.

When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official Zoning Maps and actual field conditions at the time the maps were adopted, the Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary, as mapped, is in error. If Department of Natural Resources staff concur with the Administrator that a particular area was incorrectly mapped as a wetland, the Administrator shall have the authority to immediately grant or deny a Zoning Permit in accordance with the correct wetland grant or deny a Zoning Permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Administrator shall be responsible for initiating a map amendment within a reasonable period.

B. Permitted Uses. The following uses are permitted subject to the provisions of Chapters 30 and 31, Wisconsin Statutes, and the provisions of other local, State and Federal laws, if applicable:

1. Activities and uses which do not require the issuance of a Zoning Permit, provided that no wetland alteration occurs:
a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree

seeds, in a manner that is not injurious to the natural reproduction of such crops;

c. The practice of silviculture, including the planting, thinning, and harvesting of timber;

d. The pasturing of livestock;

e. The cultivation of agricultural crops; and,

f. The construction and maintenance of duck blinds.

2. Uses which do not require the issuance of a Zoning Permit and which may involve wetland alterations only to the extent specifically provided below:

a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

c. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

d. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

e. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland overlay zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in **§10.08 B.1.7.** of this Ordinance; and,

f. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

C. Permitted Uses Requiring Zoning Permits. Uses which are allowed upon the issuance of a Zoning Permit and which may include wetland alterations only to the extend specifically provided below:

1. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under **§3.23** of this Ordinance, provided that:

a. The building is used solely in conjunction with a use permitted in the shoreland-wetland overlay district or for the raising of water fowl, minnows, or other wetland or aquatic animals;

b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland as defined in **§10.08 B. 1.-7.** of this Ordinance;

c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

d. Road construction activities are carried out in the immediate area of the roadbed only; and,

e. Any wetland alteration must be necessary for the construction or maintenance of the road.

2. The construction and maintenance of nonresidential buildings provided that:

a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of water fowl, minnows or other wetland aquatic animals;

b. The building cannot, as a practical matter, be located outside the wetland;

c. The building does not exceed 500 square feet in floor area; and,

d. Only limited filling and excavating necessary to provide structural support for the building is allowed.

3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in **§3.23 C.1.** of this Ordinance; and,

d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitats or otherwise enhance wetland values.

4. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and,

c. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in **§10.08 B.I.7.** of this Ordinance.

D. Prohibited Uses.

1. Any use not listed in **§§3.23 B. & C.** of this Ordinance is prohibited unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance in accordance with **§10.08** of this Ordinance.

2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable waters are prohibited.

E. Interpretation. Where a provision of this Ordinance is required by a standard in Chapter NR 117, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 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.

F. Abrogation and Greater Restrictions. This Ordinance supersedes all provisions of any municipal Zoning Ordinance enacted under §62.23 or §87.30, Wisconsin Statutes, which relate to floodplains and shoreland-wetlands, except that where another municipal Zoning Ordinance is more restrictive than this Ordinance, that Ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

3.24 A-1 GENERAL AGRICULTURAL DISTRICT

The primary purpose and characteristics of the A-1 General Agricultural District is to maintain, preserve, and enhance agricultural lands historically utilized for crop production and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural related farming activity. This District is also intended to provide areas for activities normally associated with rural surroundings, such as rural estate and other existing residential development such as existing residential development abutting town and county roads along which further development may occur as essential services become available.

A. Permitted Uses:

1. Apiculture (beekeeping).
2. Animal hospitals, shelters, commercial boarding and riding stables, kennels, and veterinary services provided that all such uses shall be totally enclosed within a building and that such structure or animal enclosure shall maintain the street yard requirements and not be located closer than 50 feet from all other property boundaries.
3. Community Living Arrangements with a capacity of eight (8) or fewer persons and which are in conformance with §62.23 (7) (i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.
4. Contract sorting, grading and packaging of fruits and vegetables.
5. Corn shelling.
6. Equestrian trails.
7. Dairy farming and general agriculture.
8. Essential services.
9. One Farm Dwelling.
10. Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a nonconforming use, provided that the remaining lot shall conform to the yard requirements of this district and the lot area and width requirements for a second single-family dwelling.
11. Single-family residence on lots of record created prior to the adoption of this Ordinance where said existing lot is less than 35 acres.
12. Floriculture (cultivation of ornamental flowering plants).
13. Forest and game management.
14. Snowmobile trails.
15. Storage of recreational vehicles and/or boats or snowmobiles provided that the storage of more than two (2) recreational vehicles and/or boats or snowmobiles shall be within an enclosed structure.
16. Grazing or pasturing.
17. Greenhouses, not including retail sales of plants and flowers.
18. Hay baling.
19. Livestock raising, except commercial feed lot and fur farms.
20. Orchards.
21. Paddocks.
22. Pea viners.
23. Plant nurseries.
24. Riding academies.
25. Poultry raising, except commercial egg production and commercial poultry feed lots.
26. Raising of grain, grass, mint and seed crops.
27. Raising of tree fruits, nuts and berries.
28. Sod farming.
29. Threshing services.
30. Vegetable raising.
31. Viticulture (grape growing).

B. Permitted Accessory Uses:

1. Feed lot (not commercial and only for permitted farm uses).
2. Garages or carports.
3. General farm buildings including agricultural windmills, barns, silos, sheds and storage binds provided, however, that said structures are located at least 100 feet away from any off premise neighboring residential buildings.
4. Home occupations as permitted in **§3.03 E.** of this Ordinance.
5. Roadside stands (one such stand permitted only for selected farm products produced on the premises and not exceeding 300 square feet in floor area).
6. Storage, curing, drying, churning and packaging of products and crops produced on the land provided, however, such products are not processed on the land provided, further that such products are not commercially sold as part of a retail business conducted on the land.

C. Conditional Uses: (See **§4.0** of this Ordinance for the conditional use review procedures).

1. Air strips, landing fields and hangars for personal or agricultural related uses.
2. Community Living Arrangements with a capacity for fifteen (15) or fewer persons which are in conformance with §62.23 (7) (i), Wisconsin Statutes.
3. Housing for farm laborers.
4. Housing for seasonal or migratory farm workers.
5. A second single-family farm residential dwelling.
6. Wind energy conversion systems.
7. Storm water detention and retention basins.
8. Utility substations and communication towers and antennas.

D. Lot Area and Width: Lots shall be a minimum of ten (10) acres in contiguous area and shall have a frontage of not less than three hundred (300) feet in width.

E. Building Height:

1. Residential dwellings, or any part thereof, shall not exceed thirty-five (35) feet in height.
2. Farm buildings, or any part thereof, shall not exceed one hundred (100') feet in height.
3. Communication Towers shall comply with the height requirements of **Section 2.04 A.3.** of this Ordinance.

F. Yard Requirements:

1. Front Yard. There shall be a minimum front yard of sixty-five (65) feet from the right-of-way of all Federal, State, and County Trunk Highways and forty (40) feet from all other roads.
2. Side Yard. There shall be a minimum side yard of twenty-five (25) feet in width on each side of all structures.
3. Rear Yard. There shall be a minimum rear yard of fifty (50) feet.
4. Shore Yard. There shall be a minimum shore yard of seventy-five (75) feet from the ordinary high water mark of any navigable water.

G. Authorized Sanitary Sewer System:

1. On-site sewage disposal system.
2. Public sanitary sewer.

3.25 A-2 AGRICULTURAL LAND HOLDING DISTRICT

The primary purpose and characteristics of the A-2 Agricultural Land Holding District is to maintain and generally preserve for a period of time, those agricultural lands where urban expansion is proposed to take place. It is intended that comprehensive land use plans be prepared for these areas to guide future nonagricultural development in the A-2 Zone.

A. Permitted Uses: Any permitted use in the A-1 General Agricultural District.

B. Permitted Accessory Uses: Any permitted accessory use in the A-1 General Agricultural District.

C. Conditional Uses: (See **§4.0** of this Ordinance for the conditional use review procedures). Any permitted conditional use in the A-1 General Agricultural District.

D. Area Lot and Width: As specified in the A-1 General Agricultural District.

E. Building Height: As specified in the A-1 General Agricultural District.

F. Yard Requirements:

1. As Specified in the A-1 Agricultural District.
a. Front Yard.
b. Side Yard.
c. Rear Yard.
d. Shore Yard.

G. Authorized Sanitary Sewer System: As specified in the A-1 General Agricultural District.

3.26 C-1 UPLAND RESOURCE CONSERVANCY DISTRICT

The primary purpose and characteristics of the C-1 Upland Resource Conservancy District is to preserve, protect, enhance and restore all significant woodlands, areas of rough topography and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and maintain the natural beauty of the landscape.

A. Permitted Uses:

1. Agricultural uses.
2. Hunting and fishing.
3. Preservation of scenic, historic and scientific areas.
4. Forest and game management.
5. Park and recreation areas.
6. Single-family residence.
7. Utility substations.

B. Permitted Accessory Uses:

1. Gardening, tool and storage sheds incidental to the residential use.
2. General farm buildings, including barns, silos, stables, sheds and storage bind.
3. Home occupations as permitted in **§3.03 E**. of this Ordinance.
4. Garages and carports; private, noncommercial.

C. Conditional Uses: (See **§4.0** of this Ordinance for the conditional use review procedures).

1. Wind energy conversion system.
2. Storm water detention and retention basins.

D. Lot Area and Width: Lots shall be a minimum of five (5) acres and shall have a frontage of not less than three hundred (300) feet.

E. Building Height: No principal building or structure, nor the enlargement of any principal building or structure shall exceed thirty-five (35) feet in height.

F. Yard Requirements:

1. Front Yard. There shall be a minimum front yard of sixty-five (65) feet from the right-of-way of all Federal, State, and County Trunk Highways and forty (40) feet from all other roads.
2. Side Yard. There shall be a minimum side yard of twenty-five (25) feet in width of each side of all structures.
3. Rear Yard. There shall be a minimum rear yard of fifty (50) feet.
4. Shore Yard. There shall be a minimum shore yard of seventy-five (75) feet from the ordinary high mark of any navigable water.

G. Authorized Sanitary Sewer System.

1. On-site sewage disposal system.
2. Public sanitary sewer.

3.27 C-2 LOWLAND RESOURCE CONSERVANCY DISTRICT

Primary Purpose and Characteristics. The C-2 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or man made resources and to protect water courses and marshes including the shorelands of navigable waters, and areas that are not naturally drained, or which are subject to periodic flooding, where development would result in hazards to health or safety or would deplete or destroy natural resources or otherwise be incompatible with public welfare.

A. Designation of Lowland Conservancy Area. For the purpose of determining which areas are to be located in the C-2 Lowland Resource Conservancy District, the Department of Community Development and Inspections shall develop district maps reflecting the best data available. The district delineation process shall make use of the Wisconsin Wetland Inventory Maps for Kenosha County, dated May 13, 1986, and stamped "FINAL"; and other maps used by the Southeastern Wisconsin Regional Planning Commission in delineating primary environmental corridors.

B. Mapping Disputes in the C-2 District. Whenever it is alleged that a discrepancy exists between a Lowland Resource Conservancy District delineation and actual field conditions, the staff of the Department of Community Development and Inspections and the Administrator shall resolve the discrepancy in the following manner:

1. The Department of Community Development and Inspections staff shall request that the staff of the Wisconsin Natural Resources make a field inspection of the disputed lot and stake the limits of the Lowland Resource Conservancy District.

2. The Department of Community Development and Inspections shall notify the property owner of the preliminary results of the field investigation. The property owner shall determine, within (thirty) 30 days, whether he or she will pursue a final wetland determination of the property.

3. Should the property owner decide to pursue a final wetland determination, he or she shall have a plat of survey prepared by a Wisconsin Registered Land Surveyor. The plat of survey shall show all property lines, structures on the lot or parcel, and the location of the wetland boundary as staked in the field. The plat of survey shall be filed with the Department of Community Development and Inspections.

4. The Department of Community Development and Inspections shall institute the appropriate action to change the Zoning Map to conform to the plat of survey. No fee shall be required of the property owner for this action.

C. Permitted Uses.

1. The following are permitted uses provided they do not involve filling, flooding, draining, dredging, ditching, tiling, or excavation:

a. Hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited by law.

b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to natural reproduction of such crops.

c. The pasturing of livestock.

d. The cultivation of agricultural crops.

e. The practice of silviculture, including the planting, thinning, and harvesting of timber.

2. The following uses which may involve filling, flooding, draining, dredging, ditching, tiling, and excavating, but only to the extent specifically provided below:

a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.

b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.

c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.

d. The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.

e. The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.

f. The maintenance, repair, replacement or reconstruction of existing City streets and County and State highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or maintenance.

D. Conditional Uses. (See **§4.0** of this Ordinance for conditional use review procedures.)

1. Roads necessary to conduct silvicultural and agricultural cultivation activities.
2. Nonresidential buildings for wildlife management.
3. Park and recreation areas.
4. Railroad lines.
5. Utilities.
6. Wetland enhancement projects.
7. Storm water detention and retention basins.

E. Lot Area. Where a lot or parcel is located partially within a C-2 Lowland Resource Conservancy District and partially within an adjoining use district, that area of the lot or parcel in the C-2 District may be used to meet the lot area requirement of the adjoining district provided that at least 50 percent of the minimum lot area requirement is provided outside the C-2 District where public sanitary sewerage facilities area available, and at least 40,000 square feet is provided outside the C-2 District where public sanitary sewerage facilities are not available.

F. Structures. No structure shall be permitted, except those permitted by conditional use permit, in the C-2 Lowland Resource Conservancy District. Furthermore, no on-site soil absorption sanitary sewage system, holding tank, or private well used to obtain water for ultimate human consumption shall be constructed in the C-2 Lowland Resource Conservancy District.

3.28 HISTORIC PRESERVATION OVERLAY DISTRICT (HPO)

The primary purpose of the HPO Historic Preservation Overlay District is to identify and protect any historic district, structure or site as designated by the Common Council in accordance with **Section 15** of this Ordinance.

A. Permitted Uses. Any use of land which is permitted in the underlying zoning district.

B. Permitted Accessory Uses. Any accessory use of land which is permitted in the underlying zoning district.

C. Conditional Uses. Any conditional use of land which is specified in the underlying zoning district.

3.29 HARBORPARK OVERLAY DISTRICT (HRPO)

The purpose of the HRPO Harborpark Overlay District is to provide for the development of the Harborpark site in a manner consistent with the adopted Harborpark Neighborhood Code, approved by the City Plan Commission on February 4, 1999, and certified to the City Common Council on February 17, 1999, and as amended by the City Plan Commission on January 6, 2000, and certified to the Common Council on January 19, 2000.

A. District Boundaries. The Harborpark Overlay District includes all property as referenced in **Figure 3.29-1**, generally bounded by Lake Michigan, 54th Street, 6th Avenue and 57th Street.

B. Permitted Uses. Any use permitted in the underlying Zoning Districts subject to a Conditional Use Permit, except for Prohibited Uses listed in **Subsection E**.

C. Permitted Accessory Uses. Any accessory use permitted in the underlying Zoning Districts subject to a Conditional Use Permit, except for Prohibited Uses listed in **Subsection E.**

D. Conditional Uses. Each use is a Conditional Use. 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 **Subsection E.**

E. Prohibited Uses. The following uses, irrespective of whether in an otherwise appropriate Zoning District and irrespective of whether listed as a Permitted Use, Permitted Accessory Use, or Conditional Use, shall be prohibited and ineligible for a Conditional Use Permit:

1. Prohibited Uses in the RM-2 District:

a. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.
b. Fraternity or sorority houses.
c. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy.
d. Secondary religious facilities.
e. Manufactured/Mobile Home Parks.
f. Planned developments.
g. Rooming and boarding houses.
h. Drive-thru facilities.
i. Outdoor storage.
j. Outdoor signs identifying any prohibited uses.

2. Prohibited Uses in the B-3 District:

a. Adult uses.
b. Single and two-family residences.
c. Multiple family residences detached from a principal use.
d. Flea Market.
e. Building supply store.
f. Outdoor storage.
g. Outdoor signs identifying any prohibited uses.
h. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
i. Funeral home.
j. Monument or memorial sales and storage.
k. Wholesale or warehouse establishments.
l. Motor vehicle uses, including:
(1) Automobile accessory and parts store.
(2) Automobile sales and/or service establishment.

(3) Automobile fuel station, including combination convenience store, or automobile fuel and service station, including combination convenience store.

(4) Automobile and/or truck rental or leasing establishment.

(5) Recreation vehicle sales, service and storage establishments, except for motorcycles and marine craft.

(6) Automobile body shop.

(7) Automobile or truck wash.

m. Aluminum collection center.

n. Recycling collection center.

o. Rooming and boarding houses.

p. Convention center, except conference or meeting facilities.

q. Drive-thru facilities.

3. Prohibited Uses in the I-P District:

a. Single family, two-family and multi-family residences.

b. Agriculture.

c. Cemeteries, mausoleums, crematoriums and pet cemeteries, including buildings.

d. Convalescent and nursing homes, including extended medical care facilities and adult daycare centers.

e. Educational institutions, including public and private elementary and secondary schools, colleges and universities and related dormitories, and school administrative offices.

f. Funeral homes.

g. Golf courses, public and private.

h. Health services, including offices of State licensed health practitioners such as a doctor, dentist, or chiropractor, medical and dental laboratories, outpatient care facilities and other health and allied services operated by a State licensed health practitioner.

i. Hospitals.

j. Nursery and child care centers.

k. Offices, except those which are navigation or marine related.

l. Philanthropic and charitable institutions.

m. Municipal airports and aviation buildings and uses, except heliports.

n. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses, and residential quarters for clergy.

o. Community living arrangements.

p. Penal, disciplinary, mental health and reform institutions.

q. Bed and breakfast establishments.

r. Shelter facility.

s. Financial institution.

t. Drive-thru facilities.

u. Outdoor storage.

v. Outdoor signs identifying any prohibited uses.

F. Harborpark Neighborhood Code. Development within the HRPO District shall conform to the Harborpark Neighborhood Code, as may be amended from time to time. The Harborpark Neighborhood Code consists of the Harborpark Master and Development Plans; the Urban Development Guidelines, which addresses the issues of building use, building placement, building height, fencing, parking and outbuildings on each building site within Harborpark; and the Architectural Development Guidelines, which addresses issues of architectural character of the development within Harborpark.

G. Application Procedure. Applications for Conditional Use Permits for projects within the HRPO District may be obtained from and shall be filed with the Department of Community Development and Inspections. Applications shall contain required information as stipulated in **Sections 4.05, 4.06, 14.06** and **14.07** of the Zoning Ordinance, consistent with the Harborpark Neighborhood Code. Fifteen (15) copies of the plans required shall be submitted for developments within this District.

H. Review and Decision Process.

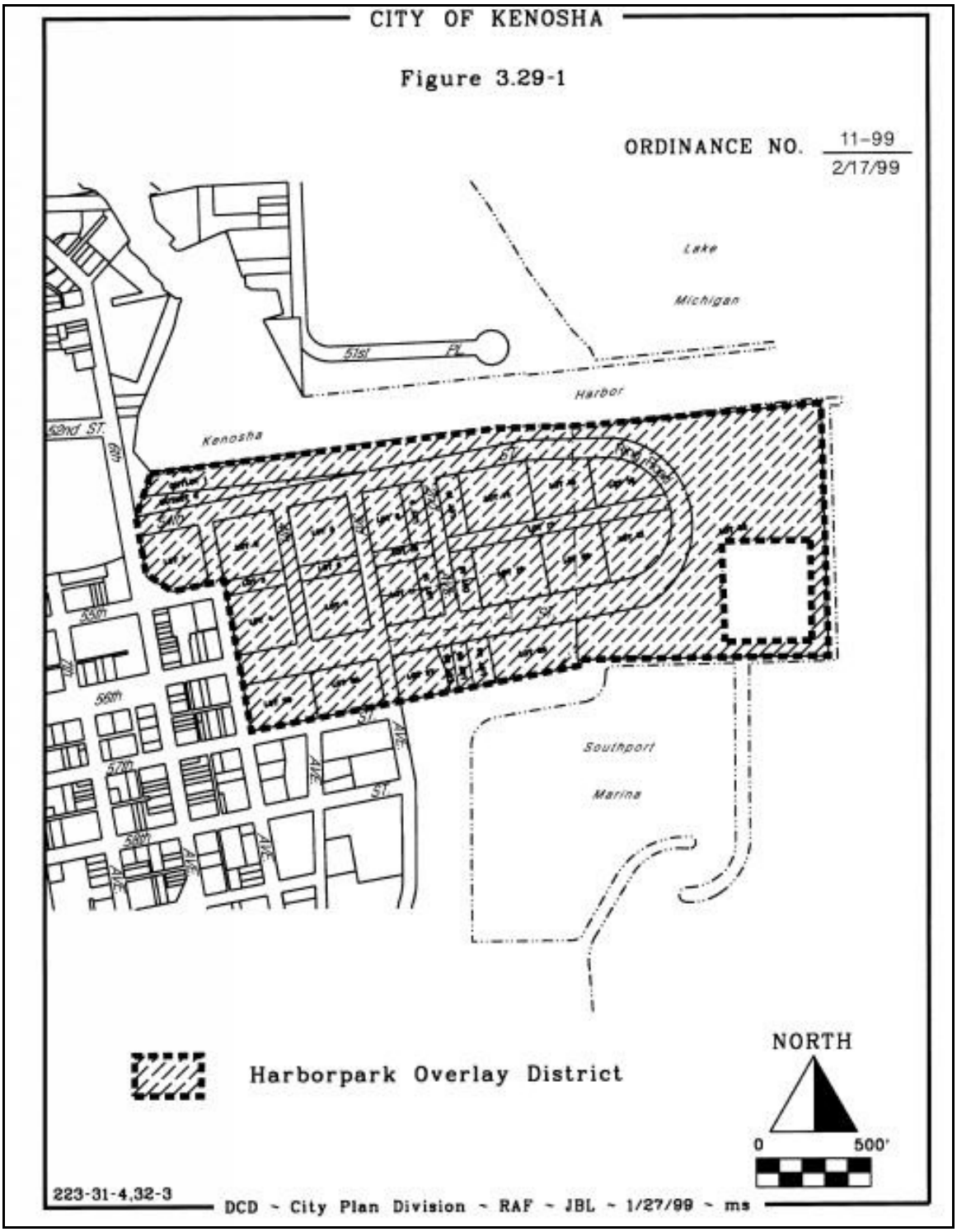
1. Department of Community Development and Inspections and City Department Review. The Department of Community Development and Inspections and applicable City departments will review the development application using the standards referenced in this Section, make a written recommendation and forward the recommendation to the Harborpark Management Team within thirty (30) days of applicant's submission to the City of all required plans and documents.

2. The Harborpark Management Team. The Harborpark Management Team, created by Resolution of the City Common Council, will review the development application using the standards referenced in this Section, after considering the recommendations of the Department of Community Development and Inspections and City departments make a written recommendation and forward the recommendation to the City Plan Commission within thirty (30) days of receipt of the recommendations by the Department of Community Development and Inspections and City departments.

3. City Plan Commission. The City Plan Commission will review the development application using the standards referenced in this Section after considering the recommendation from the Harborpark Management Team and recommend to the Common Council that it either approve, deny or modify the application. The City Plan Commission, during the review process, may request the applicant or City departments or agents to furnish additional information and reports relevant to the scope and standard of review.

4. Pre-existing Applications. The requirements of this subsection shall not apply to public or private developers who have applied for architectural or site plan approval prior to the effective date of this Ordinance under circumstances where the development is otherwise in compliance with the Harborpark Neighborhood Code.

I. Development Standards. Development within the Harborpark Overlay District shall conform to the requirements of the Zoning Ordinance and Harborpark Neighborhood Code. In the event of conflicting development standards between the Zoning Ordinance and Harborpark Neighborhood Code, the development standards in the Harborpark Neighborhood Code shall take precedence with respect to design standards.


CITY OF KENOSHA
Figure 3.29-1
ORDINANCE NO. 11-99
2/17/99
Lake
Michigan
Harbor
Kenosha
Southport
Marina
Harborpark Overlay District
NORTH
0
500'
223-31-4,32-3
DCD ~ City Plan Division ~ RAF ~ JBL ~ 1/27/99 ~ ms

3.30 PIKE CREEK NEIGHBORHOOD OVERLAY DISTRICT (PCNO)

The purpose of the PCNO Pike Creek Neighborhood Overlay District is to provide for the development of the Pike Creek Neighborhood site in a manner consistent with the adopted Pike Creek Neighborhood Code, approved by the City Plan Commission on September 7, 2000, and certified to the City Common Council on September 18, 2000, and as subsequently amended by the City Plan Commission.

A. District Boundaries. The Pike Creek Neighborhood Overlay District includes all property as referenced in **Figure 3.30-1**, generally bounded by 67th Street on the North, 75th Street on the South, Green Bay Road (STH 31) on the East, and 70th Court on the West.

B. Permitted Uses. Any use permitted in the underlying Zoning Districts subject to a Conditional Use Permit, except for Prohibited Uses listed in **Subsection E**.

C. Permitted Accessory Uses. Any accessory use permitted in the underlying Zoning Districts subject to a Conditional Use Permit, except for Prohibited Uses listed in **Subsection E**.

D. Conditional Uses. Each use is a Conditional Use. 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 **Subsection E**.

E. Prohibited Uses. The following uses, irrespective of whether in an otherwise appropriate Zoning District, and irrespective of whether listed as a Permitted Use, Permitted Accessory Use, or Conditional Use, shall be prohibited and ineligible for a Conditional Use Permit:

1. Prohibited Uses in the Rm-2 District:

a. Educational institutions, limited to public and private elementary and secondary schools, including related administrative offices.

b. Fraternity or sorority houses.

c. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy.

d. Secondary religious facilities.

e. Manufactured/Mobile Home Parks.

f. Rooming and boarding houses.

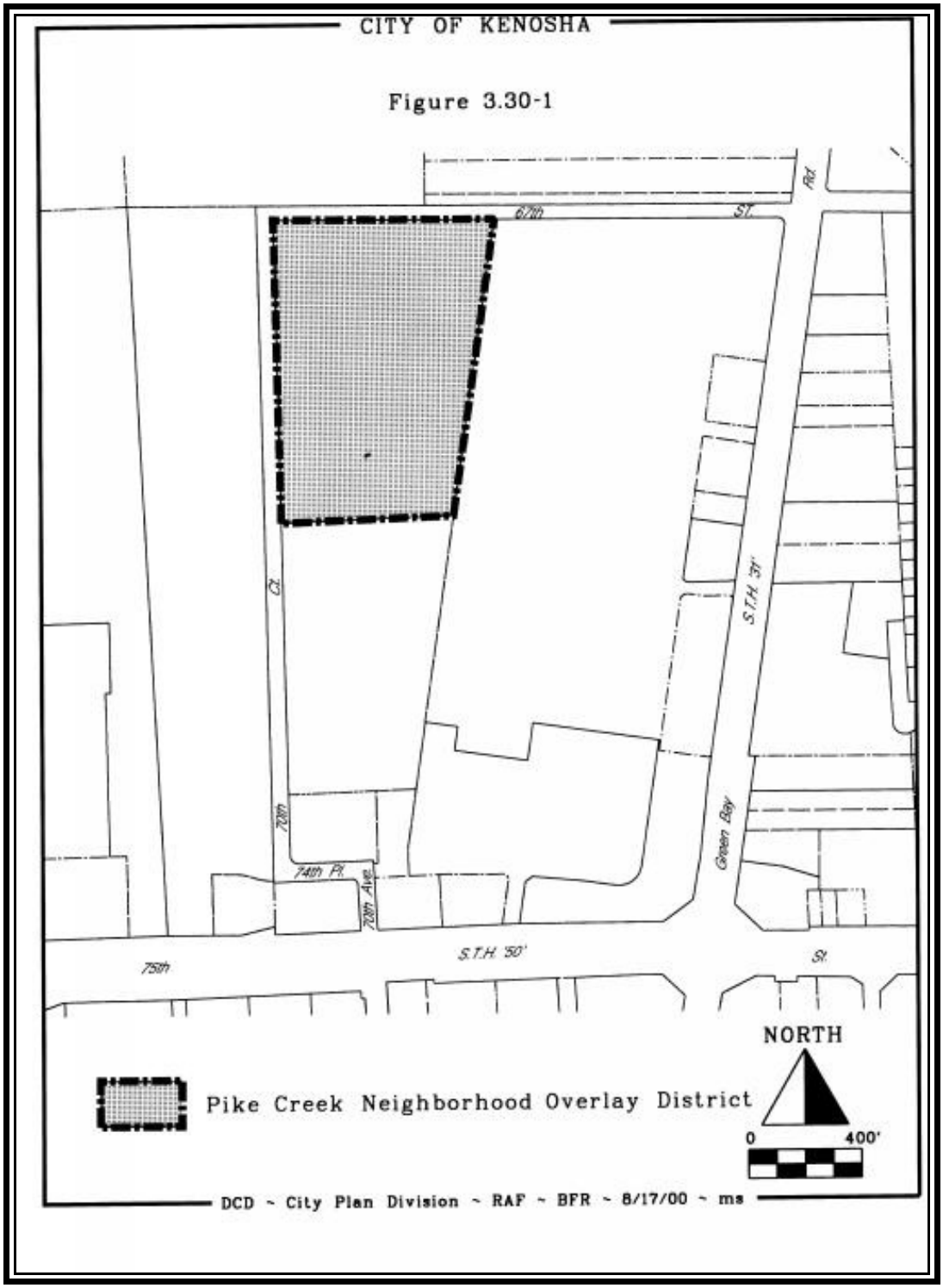
F. Pike Creek Neighborhood Code. Development within the PCNO District shall conform to the Pike Creek Neighborhood Code as may be amended from time to time. The Pike Creek Neighborhood Code consists of the Pike Creek Neighborhood Master and Development Plans; the Urban Development Guidelines, which addresses the issues of building use, building placement, building height, fencing, parking and outbuildings on each building site within the Pike Creek Neighborhood; and, the Architectural Development Guidelines, which addresses issues of architectural character of the development within the Pike Creek Neighborhood.

G. Application Procedure. Applications for Conditional Use Permits for projects within the PCNO District may be obtained from and shall be filed with the Department of Community Development and Inspections. Applications shall contain required information as stipulated in **Sections 4.05, 4.06, 14.06** and **14.07** of the Zoning Ordinance, consistent with the Pike Creek Neighborhood Code. Ten (10) copies of the plans required shall be submitted for developments within this District.

H. Review and Decision Process. Department of Community Development and Inspections and City Department Review. The Department of Community Development and Inspections and applicable City departments will review the development application using the standards referenced in this Section, make a written recommendation and forward the recommendation to the Common Council.

I. Development Standards. Development within the Pike Creek Neighborhood Overlay District shall

conform to the requirements of the Zoning Ordinance and Pike Creek Neighborhood Code. In the event of conflicting development standards between the Zoning Ordinance and Pike Creek Neighborhood Code, the development standards in the Pike Creek Neighborhood Code shall take precedence with respect to design standards.


CITY OF KENOSHA
Figure 3.30-1
67th
ST.
Rd.
Ct.
70th
74th Pl.
70th Ave.
S.T.H. '31'
Green Bay
S.T.H. '50'
75th
St.
NORTH
Pike Creek Neighborhood Overlay District
0
400'
DCD ~ City Plan Division ~ RAF ~ BFR ~ 8/17/00 ~ ms

3.31 TRD-1 TRADITIONAL SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the TRD-1 Traditional Single Family and Two Family Residential District is to provide for residential development at densities not to exceed six (6) dwelling units per acre. This District is further intended to provide for a traditional residential community encompassing no less than five (5) acres of land or at least one (1) entire block with housing types that are designed to establish and/or reinforce the street with building entrances primarily addressing the street and creating an environment that promotes pedestrian activity and interest on the street. The principal buildings are typically situated on narrower lots with shorter setbacks to the front and side yards, which still allow for porches, fences and small lawns. The parking is generally located at or behind the front facade of the principal building.

A. Permitted Uses.

1. Single family and two family residences, to a maximum density of six (6) dwelling units per acre, unless otherwise specified in an adopted Land Use or Master Plan.
2. Foster family homes housing less than four (4) children and not exceeding eight (8) total occupancies, which are in conformance with Wisconsin Statutes.
3. Community Living Arrangements with a capacity for eight (8) or fewer persons which are in conformance with Section 62.23(7)(i), Wisconsin Statutes except that if all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the adult family home or community-based residential facility because of their disability or handicap, compliance with §62.23 (7)(i), Wisconsin Statutes is not required.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home Occupations, as permitted in Section **3.03** of this Ordinance.
5. Off-street parking spaces and parking facilities, in conformance with Section **6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances, and limited to signs, not exceeding eight (8') square feet in area per lot, pertaining to the lease, rental or sale of a permitted building or premises.
7. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
8. Tennis and game courts; private, noncommercial.

C. Conditional Uses.

1. Community Living Arrangements with a capacity for greater than eight (8) persons, but not more than fifteen (15) persons which are in conformance with Section 62.23(7)(i), Wisconsin Statutes, including Assisted Living Facilities.
2. Historic monuments.
3. Private parks and playgrounds, buildings and grounds, properly licensed concessions primarily serving residents and guests.
4. Utility substations.
5. Storm water detention and retention basins.

D. Lot Area and Width. Lots shall be a minimum of five thousand (5,000) square feet in area and shall not be less than fifty (50') feet in width.

E. Building Height. All buildings shall not exceed thirty-five (35') feet in height.

F. Front Yards. Interior lots shall have one (1) front yard with street frontage and corner lots shall

have two (2) front yards with street frontages.

1. Setback and Frontage Requirements. The front facades of all buildings which face a public or private street shall adhere to the following requirements:

a. There shall be a minimum front yard setback of fifteen (15') feet and a maximum front yard setback of twenty-five (25') feet, measured from the front lot line, which is the right-of-way line of any public street or any required easement or accessway for a private street, or from the setback line of any major street, whichever is greater.

b. A minimum of forty (40%) percent of the principal building width, measured along the ground level of the front facade, shall be located within the front yard setbacks. Accessory buildings, including approved integrated architectural walls, garden walls, retaining walls, and fences, shall count toward this requirement, provided that they are located at or behind the ground level of the front facade that is located closest to the front lot line.

c. An exception to the maximum front yard setback requirement in **Section F.1.b.** may be granted for the street-facing facade that does not contain a primary entrance when the Department of Community Development and Inspections has determined that a lot is considered an irregular-shaped corner lot, provided that this facade still complies with the maximum front yard setback requirement to the extent possible.

2. Projection Requirements. The front facade of each principal building which faces a public or private street shall adhere to the following requirements:

a. Any permitted architectural elements and/or similar features, such as awnings, bay windows, balconies, stairs, roof eaves, and trellises, including unenclosed and covered porches, stoops, patios, porticos and pergolas, as well as approved integrated architectural walls, garden walls, retaining walls and fences, are allowed no closer than seven (7') feet from the front lot line. The roof over an unenclosed and covered porch, stoop, patio, portico and pergola shall be at least thirty (30%) percent solid.

b. A minimum of twenty-five (25%) percent of the principal building width containing a primary entrance, measured along the ground level of the front facade, excluding the garage wall where the garage door openings face a public or private street, shall include one (1) or more of the permitted items identified in **Section F.2.a.** that extend at least two (2') feet beyond the living portions of the front facade.

G. Interior and Rear Yards. Interior lots shall have two (2) interior yards. Corner lots shall have one (1) interior yard.

1. Interior and Rear Yard Setbacks for Principal Buildings. There shall be a minimum interior and rear yard of five (5') feet for one story buildings and eight (8') feet for two or more story buildings from the lot line to the principal building.

2. Interior and Rear Yard Setbacks for Accessory Buildings. There shall be a minimum interior and rear yard of four (4') feet from the lot line to the accessory building, and a minimum of four (4') feet shall be maintained between accessory buildings.

3. Distances Between Accessory Buildings and Principal Buildings. Accessory buildings shall not be constructed closer than five (5') feet to any principal buildings.

4. Rear Lot Access. A minimum nine (9) foot interior yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has alternative access to a public or private street.

H. Garage Door Placement. The garage wall(s) that includes a garage door opening facing a public or private street, shall not comprise more than fifty (50%) percent of the principal building width, measured along the ground level of the front facade. In addition, one of the following requirements shall be met:

1. The garage wall(s) that includes a garage door opening(s) facing a public or private street shall not extend closer to the front lot line than the living portion(s) of the principal building, unless the garage door

opening(s) is not oriented toward the public or the private street; or,

2. The garage wall(s) that includes a garage door opening facing a public or private street shall be allowed to protrude beyond the living portions of the principal building up to the end of an unenclosed and covered porch, stoop, patio, portico and pergola, provided that at least fifty (50%) percent of the width of the garage wall(s), measured along the ground level of the front facade, is comprised of an unenclosed and covered porch, stoop, portico, or pergola for the living portions of the principal building.

3. The garage wall(s) where a garage door opening that faces a public or private street is located closer to the front lot line than the closest living portion of the principal building shall include an unenclosed and covered porch, stoop, portico, patio, or pergola of at least twenty-five (25) square feet in area along the front facade. Such entrance features shall be integrated into the design of the principal building and decorative posts, columns, and piers, including railings, balustrades, brackets, trellises, and other similar elements shall be used so as to de-emphasize any garage doors to the extent possible.

I. Off-Street Parking Requirement.

1. The driveway apron shall be a minimum of twenty (20') feet in length, measured from the front lot line, and such driveway apron shall not exceed the width of the driveway approach at the front lot line.

2. There shall be a minimum of two (2) parking spaces for each dwelling unit.

J. Building Composition and Character.

1. Roof Element/Composition. Roofs shall be pitched, hipped or gabled, and overhanging eaves are encouraged. Flat roofs with articulated parapets and cornices are allowed. The total height of the roof that faces a public or private street from the lowest portion of the roof to the ridge line shall be no greater than the height of the facade of the building, measured vertically from the ground level of the facade to the lowest portion of the roof.

2. Building Facade/Composition. All buildings shall have a well-defined front facade with the primary entrance facing a public or private street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street and create a sense of enclosure. Departures may be permitted to terminate important vistas or to act as focal points for public or private spaces.

a. A minimum of one (1) primary entrance shall face a public or private street for all principal buildings, and only one (1) primary entrance shall be required where the front facade of the principal building faces more than one (1) street, and this entrance shall first face the public street where available.

b.Windows and/or entrances shall comprise at least ten (10%) percent of the total wall area of each facade of the principal building, provided that at least five (5%) percent of the total wall area for each floor of the principal building includes windows and/or entrances. Windows in garage walls, but not in garage doors, shall count toward this requirement. Any projections and recesses involving the principal building, including garage walls and garage door openings that face a public or private street shall be included in the total area of each facade. The total wall area shall be calculated as follows:

(1) The vertical distance between the floor and ceiling lines for each floor, excluding any overhangs and roof projections, shall be used to determine the overall total wall area of each facade. Any projections and recesses involving a change in a wall plane of at least six (6') feet in depth shall be calculated separately in order to satisfy the window and/or entrance requirement for each floor of the principal building in **Section J.2.b.**

(2) Windows and/or entrances shall only be required for all wall areas of each floor with a minimum of eight (8') feet in height and a minimum of six (6') feet in width, whether or not the wall area includes living portions of the principal building.

(3) Where there is no living portion of the principal building, a decorative wall vent and/or louver of at least five (5%) percent of the total wall area may be substituted for a window and/or entrance, and such wall vent and/or louver shall be calculated separately from the total wall area requirement for windows and/or entrances in **Section J.2.b.**

3. Garage Facade/Composition. The side(s) of the garage wall, whether attached to, or detached from, the principal building where the garage door openings do not face a public or private street, shall be designed to be integral with the design features of the principal building.

K. Building Materials.

1. Permitted Building Materials. The exterior of all buildings shall include one (1) or more of the following: natural stone, brick, precast concrete and/or finished concrete masonry units (only at common brick sizes), terra cotta, glass, stucco or EIFS with a smooth or roughcast (pebbled) finish, and clapboards, including wood, fiber cement (masonry), vinyl and aluminum siding. In addition, the following requirements shall be met:

a. Integrated architectural walls, garden walls, retaining walls, fences and gates shall be of masonry, wood or decorative metal. Chainlink or similar material is prohibited.

b. Hedges and evergreen shrubs used in combination with masonry and/or decorative metal fencing may replace mandated integrated architectural walls, garden walls, retaining walls and fences.

2. Prohibited Building Materials. Exterior building materials shall not include smooth-faced concrete blocks, tiltup panels, or prefabricated steel panels.

L. Mechanical Equipment/Outdoor Storage.

1. Mechanical Equipment. All vents, conduits, utility meters and other mechanical equipment or similar facilities which are attached to or detached from the front facade of the principal building, including all rooftop equipment, shall either be compatible with or integrated into the building and roof design to the extent possible and/or screened from view of a public or private street through the use of approved integrated architectural wall and/or landscape treatments.

2. Outdoor Storage, Loading, and Parking. Service entries, trash collection and/or compaction, along with other service functions, shall be incorporated into the overall design of the building and the landscape so that the architectural design is consistent. The above areas shall be located and screened so the visual and acoustical impact of these functions are fully contained and out of view from adjacent properties and public or private streets to the extent possible.

M. Special Exceptions.

1. Procedure. Special exception requests shall be made in writing to the Department of Community Development and Inspections. Any special exception granted shall be considered unique to the project and will not set any precedent for future decisions. The Common Council is designated the authority for granting a special exception from the requirements of the District. The special exception shall only be granted to the minimum extent practical in order to provide relief to the requirements of the District.

2. Criteria. The Common Council may consider granting a special exception from the requirements of the District, provided that all of the following criteria are met:

a. Unique Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of the District would result in severe hardship. Such hardships shall not generally apply to other properties or be of such a recurrent nature as to suggest that the requirements of the District should be changed.

b. Absence of Detriment. The special exception will not create a substantial detriment to adjacent property. In addition, the special exception shall not result in development that would be impractical or detract from the appearance of the District and shall not adversely affect emergency vehicle access and deprive adjoining residential properties of light and air.

c. Conformity.

(1) The special exception will not conflict in any way with the Wisconsin State Statutes or the City

Comprehensive Plan.

(2) The special exception shall be in harmony with the overall purpose of the land use and development standards and guidelines for the District.

(3) The proposed design substantially meets the intent of the District to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of the buildings.

3.32 TRD-2 TRADITIONAL MULTIPLE FAMILY RESIDENTIAL DISTRICT

The primary purpose and characteristics of the TRD-2 Traditional Multiple Family Residential District is to provide for residential development at minimum density of six (6) dwelling units per acre, but not to exceed twelve (12) dwelling units per acre, unless otherwise specified in an adopted land use or master plan. This District is further intended to provide for a traditional residential community encompassing no less than five (5) acres of land or at least one (1) block, which accommodates a mixture of multiple family housing types, such as apartment buildings, townhouses, and condominiums that are designed to establish and/or reinforce the street with building entrances primarily addressing the street and creating an environment that promotes pedestrian activity and interest on the street. The principal buildings are typically situated on narrower lots with shorter setbacks to the front and side yards, which still allow for porches, fences and small lawns. The parking is generally accessed from a rear alley and located behind the front facade of the principal building.

A. Permitted Uses. Community Living Arrangements with a capacity for fifteen (15) or fewer persons which are in conformance with Section 62.23(7)(i), Wisconsin Statutes, including Assisted Living Facilities.

B. Permitted Accessory Uses.

1. Boathouses; private, noncommercial.
2. Garages and carports; private, noncommercial.
3. Greenhouses; private, noncommercial.
4. Home Occupations, as permitted in Section **3.03** of this Ordinance.
5. Off-street parking spaces and parking facilities, in conformance with Section **6.01** of this Ordinance.
6. Outdoor signs, in conformance with Chapter 15 of the Code of General Ordinances, and in conformance with any more restrictive requirements of an approved Developers' Agreement.
7. Swimming pools; private, noncommercial and in conformance with Chapter 9 of the Code of General Ordinances.
8. Tennis and game courts; private, noncommercial.

C. Conditional Uses.

1. Multifamily residences containing three (3) or more units per lot in conformance with the Development Standards of this Ordinance, at a minimum density of six (6) dwelling units per acre, to a maximum density of twelve (12) dwelling units per acre, unless otherwise specified in an adopted Land Use or Master Plan.
2. Community Living Arrangements with a capacity for greater than fifteen (15) persons which are in conformance with Section 62.23(7)(i), Wisconsin Statutes, including Assistant Living Facilities.
3. Historic monuments.
4. Private parks and playgrounds, including buildings and grounds, and properly licensed concessions primarily serving residents and guests.
5. Utility substations.
6. Storm water detention and retention basins.

D. Lot Area and Width. There shall be no minimum lot area and width requirements, except that all other provisions of the Zoning Ordinance and Code of General Ordinances shall be met.

E. Building Height. Principal buildings shall not exceed forty-five (45') feet in height. Accessory buildings shall not exceed thirty-five (35') feet in height.

F. Front Yards. Interior lots shall have one (1) front yard with street frontage and corner lots shall have two (2) front yards with street frontages.

1. Setback and Frontage Requirements. The front facades of all buildings which face a public or private street shall adhere to the following requirements:
a. There shall be a minimum front yard setback of fifteen (15') feet and a maximum front yard setback

of twenty-five (25') feet, measured from the front lot line, which is the right-of-way line of any public street or any required easement or accessway for a private street, or from the setback line of any major street, whichever is greater.

b. A minimum of sixty (60%) percent of the principal building width, measured along the ground level of the front facade, shall be located within the front yard setbacks. Accessory buildings, including approved integrated architectural walls, garden walls, retaining walls and fences, shall count toward this requirement, provided that they are located at or behind the ground level of the front facade that is located the closest to the front lot line.

c. An exception to maximum front yard setback requirement in Section F.1.b. may be granted for the street-facing facade that does not contain a primary entrance when the Department of Community Development and Inspections has determined that a lot is considered an irregular-shaped corner lot, provided that this facade still complies with the maximum front yard setback requirement to the extent possible.

2. Projection Requirements. The front facades of each principal building which face a public or private street shall adhere to the following requirements.

a. Any permitted architectural elements and/or similar features, such as awnings, bay windows, balconies, stairs, roof eaves and trellises, including unenclosed and covered porches, stoops, patios, porticos and pergolas, as well as approved integrated architectural walls, garden walls, retaining walls, and fences, are allowed no closer than seven (7') feet from the front lot line. The roof over an unenclosed and covered porch, stoop, patio, portico and pergola shall be at least thirty (30%) percent solid.

b. A minimum of twenty-five (25%) percent of the principal building width containing a primary entrance, measured along the ground level of the front facade, excluding the garage wall where the garage door openings face a public or private street, shall include one (1) or more of the permitted items identified in Section **F.2.a.** that extend at least two (2') feet beyond the living portion(s) of the front facade.

G. Interior and Rear Yards. Interior lots shall have two (2) interior yards. Corner lots shall have one (1) interior yard.

1. Interior and Rear Yard Setbacks for Principal Buildings. There shall be a minimum interior and rear yard of ten (10') feet from the lot line to the principal building, and a minimum of twenty (20') feet shall be maintained between principal buildings.

2. Interior and Rear Yard Setbacks for Accessory Buildings. There shall be a minimum interior and rear yard of four (4') feet from the lot line to the accessory building, and a minimum of four (4') feet shall be maintained between accessory buildings.

3. Distances Between Principal and Accessory Buildings. Accessory buildings shall not be constructed closer than five (5') feet to any principal buildings.

H. Garage Door Placement. The garage wall(s) that includes a garage door opening facing a public or private street shall not comprise more than fifty (50%) percent of the principal building width, measured along the ground level of the front facade. In addition, one of the following requirements shall be met:

1. The garage wall that includes a garage door opening facing a public or private street shall not extend closer to the front lot line than the living portions of the principal building, unless the garage door opening is not oriented toward the public or private street; or,

2. The garage wall that includes a garage door opening(s) facing a public or private street shall be allowed to protrude beyond the living portions of the principal building up to the end of an unenclosed and covered porch, stoop, patio, portico and pergola, provided that at least fifty (50%) percent of the width of the garage wall(s), measured along the ground level of the front facade is comprised of an unenclosed and covered porch, stoop, portico, or pergola for the living portions of the principal building.

3. The garage wall where a garage door opening that faces a public or private street is located closer to the front lot line than the closest living portion of the principal building shall include an unenclosed and

covered porch, stoop, portico, patio, or pergola of at least twenty-five (25) square feet in area along the front facade. Such entrance features shall be integrated into the design of the principal building and decorative posts, columns, and piers, including railings, balustrades, brackets, trellises, and other similar elements shall be used so as to de-emphasize any garage doors to the extent possible.

I. Off-Street Parking Requirements. Ground level parking shall be located at or behind the front facade of the principal building. Any parking which is located at the side of the principal building shall be screened through the use of approved integrated architectural wall and/or landscape treatments.

1. The driveway apron shall be a minimum of twenty (20') feet in length, measured from the front lot line, and such driveway apron shall not exceed the width of the driveway approach at the front lot line.

2. There shall be a minimum of one (1) parking space for dwellings units with less than two (2) bedrooms, and a minimum of two (2) parking spaces for dwelling units with two (2) or more bedrooms.

J. Building Composition and Character.

1. Roof Element/Composition. Roofs shall be pitched, hipped, or gabled, and overhanging eaves are encouraged. Flat roofs with articulated parapets and cornices are allowed. The total height of the roof that faces a public or private street from the lowest portion of the roof to the ridge line shall be no greater than the height of the facade of the building, measured vertically from the ground level of the facade to the lowest portion of the roof.

2. Building Facade/Composition. All buildings shall have a well defined front facade with the primary entrance facing a public or private street. The buildings shall be aligned so the dominant lines of their facades parallel the line of the street and create a sense of enclosure. Departures may be permitted to terminate important vistas or to act as focal points for public or private spaces.

a. A minimum of one (1) primary entrance shall face a public or private street for all principal buildings, and only one (1) primary entrance shall be required where the front facade of the principal building faces more than one (1) street, and this entrance shall first face the public street where available. All principal buildings with front facades which exceed three hundred (300') feet in width shall have more than one (1) primary entrance facing the public or private street.

b. Windows and/or entrances shall comprise at least ten (10%) percent of the total wall area of each facade of the principal building, provided that at least five (5%) percent of the total wall area for each floor of the principal building includes windows and/or entrances. Windows in garage walls, but not in garage doors, shall count toward this requirement. Any projections and recesses involving the principal building, including garage walls and garage door openings that face a public or private street shall be included in the total area of each facade. The total wall area shall be calculated as follows:

(1) The vertical distance between the floor and ceiling lines for each floor, excluding any overhangs and roof projections, shall be used to determine the overall total wall area of each facade. Any projections and recesses involving a change in a wall plane of at least six (6') feet in depth shall be calculated separately in order to satisfy the window and/or entrance requirement for each floor of the principal building in **Section J.2.b.**

(2) Windows and/or entrances shall only be required for all wall areas of each floor with a minimum of eight (8') feet in height and a minimum of six (6') feet in width, whether or not the wall area includes living portions of the principal building.

(3) Where there is no living portion of the principal building, a decorative wall vent and/or louver of at least five (5%) percent of the total wall area may be substituted for a window and/or entrance, and such wall vent and/or louver shall be calculated separately from the total wall area requirement for windows and/or entrances in **Section J.2.b.**

3. Garage Facade/Composition. The sides of the garage wall, whether attached to, or detached from, the principal building where the garage door openings do not face a public or private street, shall be designed to be integral with the design features of the principal building.

K. Building Materials.

1. Permitted Building Materials. The exterior of all multifamily buildings shall consist of architectural masonry and/or glass. In addition, the following requirements shall be met:

a. Integrated architectural walls, garden walls, retaining walls, fences and gates shall be of masonry, wood or decorative metal. Chainlink or similar material is prohibited.

b. Hedges and evergreen shrubs used in combination with masonry and/or decorative metal fencing may replace mandated integrated architectural walls, garden walls, retaining walls, and fences.

2. Prohibited Building Materials. Exterior building materials shall not include smooth faced concrete block, tiltup panels, or prefabricated steel panels.

L. Mechanical Equipment/Outdoor Storage.

1. Mechanical Equipment. All vents, conduits, utility meters and other mechanical equipment or similar facilities which are attached to or detached from the front facade of the principal building, including all rooftop equipment, shall either be compatible with or integrated into the building and roof design to the extent possible and/or screened from view of a public or private street through the use of approved integrated architectural wall and/or landscape treatments.

2. Outdoor Storage, Loading, and Parking. Service entries, trash collection and/or compaction, along with other service functions, shall be incorporated into the overall design of the building and the landscape so that the architectural design is consistent. The above areas shall be located and screened so the visual and acoustical impact of these functions are fully contained and out of view from adjacent properties and public or private streets to the extent possible.

M. Special Exceptions.

1. Procedure. Special exception requests shall be made in writing to the Department of Community Development and Inspections. Any special exception granted shall be considered unique to the project and will not set any precedent for future decisions. The City Plan Commission is designated the authority for granting a special exception from the requirements of the District. The special exception shall only be granted to the minimum extent practical in order to provide relief to the requirements of the District.

2. Criteria. The City Plan Commission may consider granting a special exception from the requirements of the District, provided that all of the following criteria are met:

a. Unique Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of the District would result in severe hardship. Such hardships shall not generally apply to other properties or be of such a recurrent nature as to suggest that the requirements of the District should be changed.

b. Absence of Detriment. The special exception will not create a substantial detriment to adjacent property. In addition, the special exception shall not result in development that would be impractical or detract from the appearance of the District and shall not adversely affect emergency vehicle access and deprive adjoining residential properties of light and air.

c. Conformity.

(1) The special exception will not conflict in any way with the Wisconsin State Statutes or the City Comprehensive Plan.

(2) The special exception shall be in harmony with the overall purpose of the land use and development standards and guidelines for the District.

(3) The proposed design substantially meets the intent of the District to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of the buildings.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 4.0
CONDITIONAL USE PERMITS AND DEVELOPMENT STANDARDS REVIEW

4.01 PURPOSE AND APPLICABILITY

To promote compatible development and to assure that developments are in accordance with the purpose and intent of this Ordinance, each application for a Conditional Use Permit shall be subject to "Development Standards Review". The procedures and development standards for such review are contained in this section. Developments which are subject to Development Standards Review are those listed as "Conditional Uses" in the respective zoning districts.

4.02 REVIEW AUTHORITY - DEPARTMENT OF COMMUNITY DEVELOPMENT AND INSPECTIONS OR COMMON COUNCIL

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

Development Standards Review Authority-Department of Community Development and Inspections-DCDI : Development Standards Review and decision by the Department of Community Development and Inspections.

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

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

TABLE 4.01
DEVELOPMENT STANDARDS REVIEW AUTHORITY - - CLASSIFICATION OF CONDITIONAL USES

GROUP 1
RESIDENTIAL CONDITIONAL USES

Development Type	Review Authority
Community living arrangements with a capacity for eight (8) persons in the Rs-1, Rs-2, Rs-3, Rd and Rg-1 Districts	**CC**
Community living arrangements with a capacity for greater than fifteen (15) persons in the Rg-2, Rm-1 and Rm-2 Districts	**CC**
Community living arrangements with a capacity for fifteen (15) or fewer persons in the RR-1, RR-2, A-1, and A-2 Districts	**CC**
Elderly Campus Housing in the Rm-3 District	**CC**
Manufactured/Mobile Home Parks in the Rm-1 & Rm-2 Districts	**CC**
Multiple-family 11 units or less in the Rm-1 District	**DCDI**
Multiple-family 11 units or less in the Rm-2 District	**DCDI**
Multiple-family 12 units or greater in the Rm-2 District	**CC**
Multiple-family 5 units or less in the Rg-2 District	**DCDI**
Planned developments in the Rs-1, Rs-2, Rd, Rm-1, and Rm-2 Districts	**CC**
Residential structures in the FFO District	**CC**
Rooming and boarding houses in the Rg-1, Rg-2, Rm-1, and Rm-2 Districts	**CC**

Storm Water Detention & Retention Basins . . . . . **DCDI**
Transitional parking for business, manufacturing and institutional uses in the Rs-3, Rg-1 and Rg-2 Districts . . . . . **DCDI**
Transitional two-family residence in the Rs-3 District. . . . . **DCDI**
Utility substations. . . . . **DCDI**
Residential development in the HRPO District. . . . . **CC**
Residential development in the PCNO District. . . . . **CC**
Single Family attached residences in the B-4 District. . . . . **CC**
Continuous non-conforming uses in all residential zoning districts. . . . . **CC**

GROUP 2
BUSINESS CONDITIONAL USES

Development Type	Review Authority
Aluminum collection center in the B-1, B-2 and B-3 Districts.	**CC**
Automobile body shop in the B-2 and B-3 Districts.	**CC**
Automobile or truck wash in the B-2 and B-3 Districts.	**CC**
Brewpub or winery, accessory for a restaurant, tavern, cocktail lounge or package store in the B-2, B-3 and B-4 Districts.	**DCDI**
Business structure in the FFO District.	**CC**
Community living arrangements in the B-1, B-2, B-3, and B-4 Districts.	**CC**
Commercial developments, such as shopping centers and malls in the B-2 District:	
(a) New developments.	**CC**
(b) Additions, enlargements or expansions.	**DCDI**
(c) Buildings detached from a principal building.	**DCDI**
(d) Unified Business District.	**CC**
Convention center in the B-3 and B-4 District.	**CC**
Drive-in theaters in the B-2 District.	**CC**
Drive-thru facilities in the B-2, B-3 and B-4 Districts.	**CC**
Hotel or motel in the B-2, B-3 and B-4 Districts.	**CC**
Multiple-family residences at or above the second story containing 4 units or less in the B-1 District.	**DCDI**
Multiple-family residences at or above the second story containing 11 units or less in the B-2 District.	**DCDI**
Multiple-family residences at or above the second story containing 12 units or greater in the B-2 District.	**CC**
Multiple-family residences at or above the second story containing 11 units or less in the B-3 District.	**DCDI**
Multiple-family residences at or above the second story containing 12 units or greater in the B-3 District.	**CC**
Off-Premise Signs in the B-2 District.	**CC**
Outdoor commercial and recreational uses in the B-2 District.	**CC**
Public Safety Communication Towers and Antennas in the B-2 District.	**CC**
Recycling collection center in the B-1, B-2 and B-3 Districts.	**DCDI**
Rooming and boarding houses in the B-1, B-2 and B-3 Districts.	**CC**
Storm Water Detention and Retention Basins.	**DCDI**
Utility substations	**DCDI**
Communication towers and antennas in the B-2 District.	**DCDI**
Self-service storage facilities in the B-2 District.	**CC**
Automobile fuel station or automobile fuel and service station, including combination convenience store in the B-2 and B-3 Districts.	**CC**

Commercial development in the HRPO District. . . . . **CC**
Body-Piercing Establishment in the B-2 District. . . . . **CC**
Tattoo Establishment in the B-2 District. . . . . **CC**
Sexually-Oriented Business, as defined, in the B-2 District. . . . . **CC**
Mixed-Use Development in B-4 District. . . . . **CC**
Radio/Television/Relay Towers and Antennas in the B-2 and B-3 Districts. . . . . **DCDI**
Unified Business Center in the B-2, B-3 and B-4 Districts. . . . . **CC**
Large Scale Commercial Development in the B-2, B-3 and B-4 Districts. . . . . **CC**
Convenient Cash Businesses in the B-2 Districts. . . . . **CC**

GROUP 3
MANUFACTURING USES

Development Type	**Review Authority**
Acid manufacturing in the M-2 District.	**CC**
Airports and commercial heliports in the M-1 and M-2 Districts.	**CC**
Aluminum collection center in the M-1 and M-2 Districts.	**CC**
Blast furnace or coke oven in the M-2 District.	**CC**
Boiler works in the M-2 District.	**CC**
Cement, lime and gypsum manufacturing in the M-2 District.	**CC**
Ceramic base and pottery material mixing in the M-2 District.	**CC**
Communication towers and antennas in the M-1 and M-2 District.	**DCDI**
Concrete mixing plant in the M-2 District.	**CC**
Construction of manufactured/Mobile Homes and modular buildings and structures in the M-2 District.	**CC**
Explosives manufacturing in the M-2 District.	**CC**
Fat & oil rendering & refining in the M-2 District.	**CC**
Feed mill in the M-2 District.	**CC**
Fertilizer manufacturing in the M-2 District.	**CC**
Foundry or forge plant in the M-2 District.	**CC**
Glue manufacturing in the M-2 District.	**CC**
Golf Range, Batting Range, Batting Cage, or Golf and/or Batting Simulator.	**CC**
Grain storage and processing in the M-2 District.	**CC**
Hazardous waste sites and facilities in the M-2 District.	**CC**
Incinerator in the M-2 District.	**CC**
Leather tanning & finishing in the M-2 District.	**CC**
Machine or welding shop with presses over twenty (20) tons rated capacity and/or drop hammers in the M-2 District.	**CC**
Manufacturing structures in the FFO District.	**CC**
Manufacturing, processing and/or storage of the following in the M-2 District:	**CC**

(a) Abrasive and asbestos.
(b) Acetylene gas.
(c) aircraft and aircraft supplies
(d) automobiles and automobile parts.
(e) Battery plant, only with previously processed acid and acidic products.
(f) Brick, tile or terra cotta.
(g) Chemicals, soaps, alcohol, and vinegar products.
(h) Graphite.
(i) Household appliances.
(j) Insulating materials.

(k) Linoleum, other hard surface floor coverings, ceramic floor and wall tile.
(l) Machinery, tools and dies.
(m) Motor vehicles and motor vehicle equipment.
(n) Paint and paint products.
(o) Paper and allied products, including potash and charcoal.
(p) Primary metals.
(q) Pyroxylin.
(r) Rubber and miscellaneous plastic products.
(s) Stone, glass and concrete products.
(t) Transportation equipment.
(u) Wire, rope, cord, twine and other cordage products.

Metal and ore reduction and refinement in the M-2 District. . . . . **CC**
Mining operations in the M-2 District. . . . . **CC**
Off-Premise Signs in the M-1 and M-2 Districts. . . . . **CC**
Petroleum manufacturing, refining and storage in the M-2 District. . . . . **CC**
Planing mill, as a principal use in the M-2 District. . . . . **CC**
Plating works in the M-2 District. . . . . **CC**
Power generating plant in the M-2 District.. . . . . **CC**
Public Safety Communication Towers and Antennas in the M-1 and M-2 Districts. . . . . **CC**
Radio/Television/Relay Towers and Antenna in the M-1 and M-2 Districts. . . . . **DCDI**
Railroad repair or freight yard, shop or terminal in the M-2 District. . . . . **CC**
Recycling collection center in the M-1 and M-2 Districts. . . . . **CC**
Resource recovery plant in the M-2 Districts.. . . . . **CC**
Rolling Mills in the M-2 District. . . . . **CC**
Salt works in the M-2 District.. . . . . **CC**
Salvage dealers, shops and yards in the M-2 District. . . . . **CC**
Self-service storage facilities in the M-1 and M-2 Districts. . . . . **CC**
Ship building and repair in the M-2 District. . . . . **CC**
Smelting of metals, ores or alloys in the M-2 District.. . . . . **CC**
Stockyards or slaughter houses in the M-2 District. . . . . **CC**
Storage yard for construction equipment and materials used by a contractor in the M-1 and M-2 Districts.. . . . . **CC**
Storm Water Detention & Retention Basins in M-1 and M-2 Districts. . . . . **DCDI**
Tar and asphalt, including refining and batch plants in the M-2 District.. . . . . **CC**
Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation in the M-1 and M-2 Districts.. . . . . **CC**
Utility substations in M-1 and M-2 Districts. . . . . **DCDI**
Waste disposal, treatment and transportation facility in the M-2 District. . . . . **CC**

GROUP 4
INSTITUTIONAL AND OTHER CONDITIONAL USES

Development Type — **Review Authority**

Accessory structures in the FW and FFO Districts. . . . . **CC**
Arena, auditorium, exhibition hall and stadium in the IP District. . . . . **CC**
Bed and breakfast establishments in the Rd, B-1,B-2, B-3, B-4 and IP Districts. . . . . **DCDI**
Community living arrangements in the IP District. . . . . **CC**

Conditional uses within the C-2 Lowland Resource Conservancy District. . . . . **DCDI**
Conference centers.. . . . . **CC**
Filling within the FFO District. . . . . **CC**
Institutional structures in the FFO District. . . . . **CC**
Medical transportation offices used exclusively for arranging transportation of individuals to and from health care providers as defined in §146.81, Wisconsin Statutes but excluding taxicab offices and vehicle maintenance facilities. . . . . **CC**
Municipal water supply and sanitary sewerage systems in the FW and FFO Districts. . . . . **CC**
Open space & related uses in the FW District.. . . . . **CC**
Penal, disciplinary, mental health and reform institutions in the IP District. . . . . **CC**
Public Safety Communication Towers and Antennas in the IP Districts. . . . . **CC**
Rental or lease of pier or dock space in the Rg-2, Rm-1, Rm-2 and IP Districts. . . . . **CC**
Shelter facility in the IP District. . . . . **CC**
Storm Water Detention & Retention Basins. . . . . **DCDI**
Utility substations. . . . . **DCDI**
Financial institutions, including related drive-thru facilities in the IP District.. . . . . **CC**
Communication towers and antennas in the IP District. . . . . **DCDI**
Institutional development in the HRPO District. . . . . **CC**
Radio/Television/Relay Towers and Antenna in the IP District. . . . . **DCDI**
Development consisting of 2 or more Buildings on a single parcel or contiguous parcels in the IP District. . . . . **CC**
A building with 20,000 gross sq. ft. or greater of floor area located in the IP District. . . . . **CC**

GROUP 5
AGRICULTURAL RELATED
CONDITIONAL USES

Development Type **Review Authority**
Air strips, landing fields, & hangars for personal or agricultural related uses in the A-1 and A-2 Districts.. . . . . **CC**
Community living arrangements with a capacity for greater than fifteen (15) persons in the A-1 and A-2 Districts. . . . . **CC**
Housing for farm laborers, seasonal or migratory farm workers in the A-1 and A-2 Districts. . . . . **CC**
Second single-family farm related residential dwellings in the A-1 and A-2 Districts.. . . . . **DCDI**
Storm Water Detention & Retention Basins. . . . . **DCDI**
Utility substations. . . . . **DCDI**
Wind energy conversion system. . . . . **DCDI**
Communication towers and antennas in the A-1 and A-2 Districts. . . . . **DCDI**

4.03 APPLICATION PROCEDURES AND REQUIRED DOCUMENTS

A. Application. Applications for Conditional Use Permits, other than those for nonconforming residential uses which shall be exempt from the requirement, shall be made in duplicate to the Department of Community Development and Inspections on forms furnished by the Department of Community Development and Inspections and shall include the following:

1. Names and addresses of the applicant, owner of site, architect, professional engineer, and contractor; and,

2. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site (if available); zoning district(s) within which the subject site lies; and, type of structure(s).

3. An Operational Plan detailing the hours of operation, anticipated number of occupants and/or employees, and plans for removal and control of waste and trash. The Operational Plan shall also include any other specific items that may be required under this Section.

B. Plan Data. Plan data shall be submitted to the Department of Community Development and Inspections who shall transmit the above application and accompanying plans to the appropriate Review Authority(ies). Plan data to be submitted with all conditional use applications shall include the following:

1. The **Building Plan** shall show the layout of building(s), size and layout of rooms, design, architect, and other descriptions that may be necessary to properly depict the building(s).

2. The **Site Plan** shall be based on a Plat of Survey prepared by a registered land surveyor and shall include a legal description of the property, and the locations of existing and proposed streets, drives, alleys, easements, right-of-ways, building(s), parking as required, vehicular and pedestrian access points and pedestrian walkways. A graphic outline of any development staging which is planned is required to be shown on the Site Plan. Land uses and zoning classifications of surrounding areas shall be indicated on the Site Plan.

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.

4. The **Landscape Plan** shall identify the location of existing trees and land forms. The Landscape Plan shall indicate the location, extent and type of all proposed plantings and shall also show the location, height, opaque characteristics, extent and type of any required screening.

5. The **Utility Plan** shall show the location of all utilities: storm sewers, sanitary sewers, water mains, electrical, natural gas and communication (telephone, cable television) lines, and any free standing receiving

antennae or dishes. Exterior lighting for parking and other outdoor areas, outdoor signs and building exteriors shall be shown. The location of waste and trash collection areas shall be shown and plans for snow removal from surface areas shall be so indicated.

General Plan Data Provisions. The submission of one or more of the above required plans, or a portion(s) of any one of the plans may be waived by the Department of Community Development and Inspections when such are not applicable for the review of a particular type of development. Separate plans for each of the above are not required. The above five (5) plans may be assimilated into one or more plans provided that the required data is shown.

6. The **Floodproofing Plan** shall comply with the floodproofing standards note in Section 7.07 D.of the Zoning Ordinance.]

C. Amendments.

1. Any alteration to the required plans after issuance of a Conditional Use Permit requires the submission and approval of amended plans, along with the fees established therefor by the Common Council, from time to time, by Resolution. Any addition to, or expansion or relocation of a conditional use or operation thereof, require an amendment to the Conditional Use Permit, when such additional expansion or relocation is located within the boundaries of the site described in the original plans.

2. When an addition, expansion or relocation extends outside the boundaries of the site described in the original plans, a separate Conditional Use Permit application is required. Approval shall be made by the designated Review Authority prior to issuance of a Building Permit.

4.04 CONDITIONAL USE REVIEW PROCEDURES AND DECISION

A. Preliminary Review. The applicant shall discuss preliminary plans with the Department of Community Development and Inspections staff prior to application.

B. Documents to be Submitted. The applicant shall submit a completed Conditional Use Permit Application and Plan Data, as directed in **§4.03** of this Ordinance, to the Department of Community Development and Inspections.

C. Fee. The applicant must present to the City Clerk/Treasurer's Office a check payable to the City of Kenosha for the fee established therefor by the Common Council, from time to time, by Resolution, and shall file with the Department of Community Development and Inspections, a paid fee receipt for said amount, from the City Clerk/Treasurer along with the application. The fee shall be determined by locating both the size of the building or addition and the gross acreage of the site in the table. If the building size or addition and the gross acreage of the site determine two (2) different fees, the greater of the two fees shall determine the cost. The application fee entitles the applicant to two (2) permitted reviews one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by Resolution. The review fee for outlots in a Unified Business Center with an approved master plan shall be based on the outlot size, not the entire Unified Business Center size.

D. Notification. The alderman of the aldermanic district in which a proposed conditional use is located and the alderman of any other aldermanic district which is located within one hundred (100') feet of the property lines of the development site (excluding street right-of-ways) shall be notified of the conditional use petition in writing by the Department of Community Development and Inspections. In addition, a copy of all applications for a Conditional Use Permit in floodland districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR).

E. Department of Community Development and Inspections and City Department Review. The Department of Community Development and Inspections will review the Plan Data utilizing the "Development Standards" of **§4.05** of this Ordinance as a review guide and will forward the plans to applicable City Departments for their review. Once City Departmental reviews are completed, the Department of Community Development and Inspections will forward a recommendation to the Review Authority. The above reviews and recommendation shall be completed no later than fifteen (15) working days, excluding the day the application was received, following receipt of the application. An extension of fifteen (15) working days may be granted at the request of the City or the applicant.

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

1. Decision Authority.

a. Development Standards Review Authority-Department of Community Development and Inspections-DCDI. For developments with conditional uses designated as DCDI in Table 4.01, the Director of Community Development and Inspections will consider the recommendation from the Department of Community Development and Inspections and either approve or deny the application.

b. Development Standards Review Authority-Common Council-CC. For developments with conditional uses designated as CC in Table 4.01, the Common Council will hold a public hearing, consider the recommendation from the Department of Community Development and Inspections and the City Plan Commission, and approve or deny the application. Final action on floodland conditional uses shall not be

taken for thirty (30) days or until the Wisconsin DNR has given its recommendation, whichever comes first. Copies of all decisions on conditional uses in a floodland district shall be transmitted to the DNR within ten (10) days following the decision.

2. Recommendations.

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

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

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

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

1. The Review Authority has granted conditional approval.

2. A conditional use plan is submitted and reviewed by each reviewing agency, whereby within ten (10) working days of receipt of the permit information, the review agencies will indicate, via a transmittal form, whether a footing and foundation permit may be issued prior to formal Conditional Use Permit or whether the permit shall be withheld pending formal approval of the CUP application.

3. If one or more reviewing agency states that the footing and foundation permit should not be granted, and the applicant still desires the permit, then within five (5) working days a representative from each reviewing agency will meet and delineate the requirements that must be fulfilled prior to the issuance of a permit. If agreement is not reached, a footing and foundation permit shall not be issued.

4. Footing and foundation permit approval shall be subject to a specific timetable which specifies project completion dates which must be met.

5. Permits may be withheld in order to protect the public safety and welfare of the community, or if in the opinion of the reviewing agency, there is a need of additional information.

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

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

I. Expiration of Conditional Use Permits for Failure to Timely Obtain a Building Permit.

1. Conditional Use Permit With a Single Building. Required Building Permits shall be obtained

within six (6) months of the date of the Conditional Use Permit approval by the Review Authority.

2. Conditional Use Permit With Multiple Buildings. The first Building Permit shall be obtained within six (6) months of the date of Conditional Use Permit approval by the Review Authority. Required Building Permits shall be obtained for all remaining buildings within twenty-four (24) months of the date of Conditional Use Permit approval by the Review Authority, unless otherwise specified by the Review Authority, which in no event shall exceed thirty-six (36) months.

3. Failure To Obtain All Required Building Permits. The failure of permittee to obtain all required Building Permits in a timely manner shall result in the expiration of the Conditional Use Permit for all unconstructed buildings and all future development shall cease unless the Review Authority extends the time to obtain Building Permits or unless a new Conditional Use Permit is applied for and approved.

4. Planned Developments. Planned Developments are governed by **Section 3.22** of the Zoning Ordinance.

J. Conditions to Run with the Land. Any conditions applied to a Conditional Use Permit shall run with the land and be binding upon the owner/occupier of the land and upon any subsequent successor owners and occupiers of the land. All conditions applied shall be maintained indefinitely by the property owner/occupier unless and until otherwise approved by the Review Authority.

K. Existing Uses. All uses existing on the effective date of this Ordinance which would be classified as conditional uses in the district in which they are located if they were to be established after the effective date of this Ordinance, are hereby considered conforming conditional uses to the extent of the existing operation only. Any addition, expansion, extension, or relocation in the existing operation shall be subject to the provisions of **§4.0** of this Ordinance.

L. Nonconforming Uses of Buildings and Structures and Nonconforming Uses of Land. All nonconforming uses of buildings and structures and nonconforming uses of land, other than those in residential zoned districts, which are in accordance with **§7.0** of this Ordinance, shall not be required to obtain Conditional Use Permits to the extent of the existing operation only. Any alteration, addition, expansion, extension, relocation, or change of a nonresidential nonconforming use shall conform to the provisions of this Ordinance, including the provisions of **§4.0** of this Ordinance

M. Required Plans and Specifications. An application for a Conditional Use Permit shall not be reviewed by the Reviewing Authority until all of the required plans and specifications are submitted to the Department of Department of Community Development and Inspections in a legible and complete format so as to permit a thorough review. The plans and specifications shall include, but not be limited to, a Building Plan, Site Plan, Drainage Plan, Landscape Plan, Utility Plan, and other information as required by the Zoning Ordinance and Code of General Ordinances.

N. Deferral or Denial of Applications. Applications for Conditional Use Permits may be deferred to permit or require the correction of errors or omissions in the application or to require the submission of additional information.

Applications for Conditional Use Permits may be denied by the Review Authority under any of the following circumstances:

1. The proposed site or use would result in a violation of the Zoning Ordinance.
2. The proposed site or use would result in a violation of any Federal, State or City law, rule or regulation.

3. The proposed site or use does not meet Federal, State or City environmental laws, rules or regulations.

4. The proposed use is a Prohibited Use under **Section 2** of the Zoning Ordinance.

5. The proposed use is a Restricted Use under **Section 2** of the Zoning Ordinance and the site does not meet the required distance separation requirements.

6. The proposed site or use does not meet the development or additional standards of this Chapter.

7. The applicant has not paid required application fees or posted required assurances.

8. The application was false or misleading in some material respect and the defects were not timely corrected.

9. The proposed use will have a negative impact upon the City's economy as shown on an Economic Impact Assessment.

10. The proposed use will generate motor vehicle traffic of such volume and character as to be unsupportable by the design and construction specifications of existing streets which will service the proposed development as shown on a Traffic Impact Assessment, using as a guideline the Facilities Development Manual of the Wisconsin Department of Transportation, as amended from time to time.

O. Impact Fees. The issuance of a Conditional Use Permit 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, where not previously imposed as a condition of approval of a Land Division.

4.05 DEVELOPMENT STANDARDS

To establish and define criteria for the review procedures set forth in **§4.04** of this Ordinance, the following Development Standards for Conditional Uses are created:

A. General Provisions.

1. These Development Standards are minimum standards and additional standards or conditions may be required for individual developments when such have a unique set of circumstances. The Common Council may establish and adopt additional standards or conditions for conditional uses, and a copy of such additional standards and conditions shall be on file in the Department of Community Development and Inspections office and available to the public.

2. Should these Development Standards conflict with any other provision of the Ordinance, the most restrictive provision shall apply.

3. The submitted "Development Plans" shall serve as the "Review Documents" which the Review Authority will use in the analysis of the conditional use application.

4. New multifamily residential projects shall not exceed a density of twelve (12) units per acre, except as follows:

a. Projects located in the Central Business District, defined as the area located between 50th Street and 60th Street and between the Chicago and Northwestern Railroad and Lake Michigan, and also including Lots 2-10, Block 73 and Lots 1-3, Block 74, Plat of the Original Town of Southport, may exceed this density if approved by the Review Authority.

b. Projects located within the boundaries of an adopted neighborhood land use and development plan shall conform to the density limitations established in said plans.

c. Projects located in the RM-3 District shall conform to the density limitations established in **Section 3.115** of this Ordinance.

d. Projects located within the B-4 Mixed-Use District may exceed the density if approved by the Review Authority.

B. Building and Architectural Standards. Review Document: "Building Plan"

1. Building size and scale shall respect the physical scale of the surrounding area and the scale of surrounding buildings.

2. The location and orientation of building elements, such as balconies or porches, shall respect the orientation of surrounding buildings or structures.

3. Rooms used for residential purposes shall provide adequate living area, as required in the Minimum Housing Code of the Code of General Ordinances and the location of all rooms shall be planned to help secure safety from fire, panic and other dangers, including the installation of sprinklers where required.

4. The materials and design of buildings and structures shall complement the surrounding area.

5. Adequate handicap access shall be provided to public buildings and structures as required in the "Building, Heating, Ventilation and Air Conditioning Code" of the Wisconsin Administrative Code.

C. Site Standards. Review Document: "Site Plan"

1. An adequate legal description and proper survey documentation of the property is required. Any easement, covenant or right-of-way, existing or planned, which creates site design constraints shall be indicated. Any design adjustments to these constraints shall not adversely impact the intent of these standards or the provisions of this Ordinance.

2. The location, proportion, and orientation of buildings or structures should respect the location, proportion and orientation of surrounding landforms, buildings or structures.

3. Surrounding land uses and respective zoning classifications should be indicated on the Site Plan. The Review Authority shall consider the impact of the proposed development on the Comprehensive Plan and the Official Zoning Map, as amended. The Review Authority shall use the following criteria when assessing the development's impact on surrounding land uses: the development shall be consistent with the objectives of the Comprehensive Plan, the development shall be compatible with the character and objectives of the zoning district or districts within which it is located, and the development shall be compatible with the character of the neighborhood which surrounds the development.

4. Street, Alley, or Driveway Designations, as outlined on the Site Plan, shall meet the following requirements:

a. Any street, alley, or driveway designation shall be in conformance with the provisions of Chapters 17 and 5 of the Code of General Ordinances.

b. Street or alley locations shall be in conformance with the objectives of the Official Map and the Comprehensive Plan, as amended.

c. Street, alley, or driveway designations shall emphasize a minimum number of access points, but still make the development accessibility convenient, safe, and efficient.

d. Street, alley or driveway designations shall relate to the natural contours of the site, and as many existing landforms as possible should be preserved.

5. Vehicular access, as indicated on the Site Plan, shall meet the following requirements:

a. The design standards of Chapter 5 of the Code of General Ordinances.

b. Intersections of a ninety (90°) degree angle are to be encouraged while other angles are to be discouraged.

c. Vehicular access to any nonresidential structure, use, parking or loading facility shall not be gained across land zoned for a residential use, except if the Review Authority authorizes such access.

d. Adequate access for emergency vehicles shall be maintained.

6. Any off-street parking area, as indicated on the Site Plan, shall meet the following requirements:

a. The design standards of Chapter 5, §5.08 of the Code of General Ordinances.

b. The screening and parking requirements of **§6.01** "Parking Requirements" of this Ordinance.

7. Pedestrian Access, as indicated on the Site Plan, shall meet the following requirements:

a. The design standards of Chapter 5, §5.05 of the Code of General Ordinances.

b. Separation of pedestrian and vehicular access shall be encouraged; however, adequate pathways or sidewalks shall be required to connect dwelling units to parking areas and other accessory uses.

D. Drainage Standards. Review Document: "Drainage Plan"

1. A topographic analysis by the Review Authority shall consider: contours, elevations, and slopes; spot elevations of existing buildings and structures; spot elevations of rock outcroppings, high points, water courses, depressions, ponds, and marsh areas, with any previous flood elevations; floodplain boundaries, if applicable; and test pits or borings if required to determine subsoil conditions.

2. The Review Authority shall analyze the Drainage Plan to assure that the following conditions are met:

a. To the extent possible, surface water runoff on the site shall be absorbed or retained on the site so that the quantity and rate of water leaving the site would not be significantly different than if the site had remained undeveloped.

b. If drainage from the proposed development is proposed to be discharged, it shall be discharged in a manner approved by the City Engineer.

c. The proposed development shall not create or increase surface water runoff or buildups on adjoining or adjacent properties.

d. Nonresidential uses and all parking areas, shall not discharge surface water onto any property zoned residential unless such drainage is acceptable to the City Engineer.

e. All floodland developments shall be elevated or floodproofed to an elevation at least two (2') feet above the elevation of the regional flood.

f. Floodland developments shall not increase flood stages and flood discharges beyond the limits set forth in **§3.20** and **§3.21** of this Ordinance.

g. Storm water detention and retention basins which serve property not covered by the permit application shall be constructed only where authorized by a duly adopted master or neighborhood plan.

3. The Review Authority may require site grading:

a. To create drainage swales;

b. To create berms as noise, wind or visual homers;

c. To correct undesirable landforms;

d. To get above unfavorable subgrade conditions such as groundwater;

e. To create, emphasize or control circulation routes such as paths or roads;

f. To relate the site to the surrounding area;

g. To prevent erosion and sedimentation; and,

h. To provide retention basins for development of five (5) acres or more when such basins or other retention means are required to retain and limit any surface water runoff to its original state prior to development.

E. Landscape Standards. Review Document: "Landscape Plan"

1. The Review Authority shall review the proposed landscaping to assure that it will accomplish the following purposes:

a. Maintaining and promoting general aesthetics by preserving existing vegetation or land forms or by requiring new landscaping, both helping to blend buildings and other structures with the landscape;

b. Circulation control by directing pedestrian and vehicular traffic with appropriate locations of landscaping;

c. Environmental control by preventing erosion or sedimentation;

d. Adjacent property protection by requiring the screening of incompatible uses; and off-street parking facilities; and,

e. Landscape quality by requiring appropriate plant or fence types based on climate, variety, hardiness, and maintenance.

2. Specific screening standards which the review body shall require include:

a. The Review Authority may require any conditional use or portion thereof, except a transitional two-family residence, to be screened when such use is adjacent to or across an alley from a single or two family residential district.

b. All off-street parking areas for five (5) or more vehicles which are adjacent to or across an alley from a residential district, shall be effectively screened as required and as outlined in **§6.01** "Parking Requirements" of this Ordinance.

c. Screening shall be accomplished by a fence, wall, berm, landscaping, or some combination thereof, constituting an opaque characteristic which obscures from horizontal view, a particular use, building or structure. Such screen shall not be less than four (4) feet in height except where reduced heights are required in **§2.06** "Visual Clearance" of this Ordinance. The Board may authorize an exception to the screening requirement and standards where an existing screen is on the lot adjacent to the use, building or structure required to be screened, or where special circumstances render a screen unnecessary. The Board may approve a special permit authorizing an exception only after applying the standards of **§9.05 C**. of this Ordinance and only where specific physical conditions exist which make it impractical to meet the screening requirement and standards. An approved special permit authorizing an exception shall run with the land for the use, building or structure being screened.

F. Utility Standards, Review Document: "Utility Plan"

1. Utility Systems.

a. Storm sewer, sanitary sewer, and water utility systems, as outlined in the Utility Plan, shall meet the requirements of Chapter 5, of the Code of General Ordinances. These provisions may require the designation of easements providing access for public street lighting purposes.

b. Electric, gas and telephone utility systems, as designated on the Utility Plan, shall meet the requirements of the respective utility company's rules and regulations.

c. Cable television systems, as designated on the Utility Plan, shall meet the requirements of Chapter 26, "Cable T.V." of the Code of General Ordinances.

d. Utility systems shall be placed in accordance with City Ordinances and utility companies' rules and regulations. The Review Authority may require the underground installation of lines and distribution points, the elimination of poles and overhead lines, or the simultaneous organization and installation of utility systems. New subdivisions require underground installation of utility systems per Chapter 17 "Regulating the Division and Platting of Land", §17.06 of the Code of General Ordinances.

2. Exterior Lighting.

a. Off-Street Parking Area Lighting. Exterior lighting, when illuminating off-street parking areas for five (5) or more vehicles, shall meet the design requirements of Chapter 5 of the Code of General Ordinances.

b. Outdoor Sign Lighting. Exterior lighting, when illuminating outdoor signs, shall meet the requirements of Chapter 15 of the Code of General Ordinances.

c. Other Exterior Lighting. Any lighting source on any building, structure, or site which is for the purpose of illuminating any structure exterior or outdoor area shall be established in a manner which satisfies the following conditions:

(1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the use being illuminated.

(2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(3) When within one hundred fifty (150') feet of a residential district, as measured along or across any street, such lighting shall be constant and not flashing, intermittent or animated in any way.

3. Waste/Trash Storage. All conditional uses, except single and two-family residences may be required to provide designated areas, as designated on the Utility Plan, for the storage of waste and trash and shall conform to the following standards:

a. Such areas shall be screened, as defined in **§4.05 E.2.c.** of this Ordinance, from the view of any single-family or two-family residential district, when such storage area is located adjacent to or across an alley from a single-family or two-family residential district;

b. Such area shall meet the accessory yard requirements of the district in which it is located;

c. Such facilities shall be a minimum of a two (2) cubic yard container readily accessible and located on a hard surfaced area; and,

d. Such areas shall meet the standards of Chapter 5, §5.06 "Waste Collection and Removal" of the Code of General Ordinances.

4. Snow Removal. All residential conditional uses, except single and two-family residences, shall indicate on the Utility Plan adequate provisions for the removal of snow from off-street parking areas and other outdoor areas.

4.06 ADDITIONAL STANDARDS AND SUBMITTALS REQUIRED FOR CONDITIONAL USE PERMITS

A. RESIDENTIAL CONDITIONAL USES

1. Community Living Arrangement (CLA).

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout of building and any planned additions including size and layout of rooms.

(2) Total square footage of building and total living space in square feet.

(3) Number of bedrooms and number of beds per bedroom.

(4) Handicap and emergency access and exit.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Location and "footprint" of building(s) and structure(s).

(2) Off-street parking area.

(3) Proposed landscaping.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Name and address of CLA operator.

(2) Proposed operation and supervision including the type of CLA and programs offered.

(3) Number of employees.

(4) Proposed bed capacity and total number of occupants of the structure including any residents not under residential care.

g. Upon receipt of all necessary information and permit fee, the Department of Community Development and Inspections may request the Wisconsin Department of Health and Social Services (DHSS) to inspect the proposed CLA and review the proposed operation. Approval of the Department may be a condition of approval. The same shall apply to any other applicable agency or department, such as the Federal Veterans Administration. Comments or reports on the proposed CLA received from such agencies will be considered.

h. Compliance with Chapter HSS-3 Wisconsin Administrative Code, Chapter 50, Wisconsin Statutes, and all other applicable licensing regulations of the Wisconsin DHSS and other agencies.

i. Compliance with all applicable State and local Housing, Building, and Fire Codes.

j. Adequate off-street visitor and employee parking. The Council may require more parking than is normally required if special characteristics of the CLA warrant such additional parking.

k. In the business zoning districts, all proposed residential uses are to be above the first floor.

l. CLA shall not be within 2,500 feet of another CLA unless granted an exception by the Council.

m. The total licensed population of all CLAs in the Aldermanic District shall not exceed 25 or one (1%) percent of the district population, whichever is greater, unless granted an exception by the Council.

n. No outdoor signs.

o. CLA exterior appearance and proposed operation must be compatible with surrounding residences when in a residential district or surrounding uses when in a business or IP District.

p. A reduction of CLA population in an over capacity Aldermanic District, as a result of the proposed facility, will be viewed as favorable.

q. When the proposed CLA is not within one half mile (2,640 feet), measured from property line to property line, of a public park, the CLA shall provide 75 square feet of open recreational space on the property per bed.

r. The Council shall use the following factors when reviewing the proposed capacity (density) of the CLA:

(1) Per person living space requirements of Chapter HSS-3 Wisconsin Administrative Code, Federal Veterans Administration (VA) Regulations, the City of Kenosha Minimum Housing Code and other applicable

requirements. In no case shall the Council approve a capacity which would provide less living space per person than State or VA requirements.

(2) Ambulatory and physical nature of residents.

(3) Densities of residential uses within the surrounding neighborhood.

(4) Density data available from the U.S. Census Bureau for the City.

(5) Densities of other CLAs the Council has reviewed since March 28, 1978 (adoption of Statutory CLA standards).

(6) Densities of other similar CLAs in the City.

(7) Type of CLA building and room layout.

(8) Proposed living and working space arrangement for residents, houseparents and other employees.

(9) Area and configuration of the CLA lot.

(10) Comments from the Wisconsin DHSS, VA, Kenosha County Comprehensive Board and other applicable agencies.

s. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

2. Manufactured/Mobile Home Park in the Rm-1 and Rm-2 District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Standards outlined in **Chapter 20** of the General Code of Ordinances.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

3. Multi-Family Developments.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Construction commencement and completion dates.

(2) Management or operational control.

(3) Deed restrictions.

(4) Bylaws or property owners association articles of incorporation.

g. Grouped Multiple-Family Development. In the case of a multiple-family development consisting of a group of two (2) or more buildings to be constructed on a plot of ground where the existing or proposed street and lot layout make it impractical to apply the requirements of this Ordinance to the individual building units in such development, the application of such requirements to such development shall be done by the Review Authority in a manner that will insure substantially the same character of occupancy, density of use, and minimum standards of open spaces as permitted in the district in which the proposed development is to be located.

The Review Authority shall not authorize a use of land or a building height which is prohibited in the district in which the multiple-family development is to be located, or a smaller lot area per family than the minimum required under this Ordinance in such district.

h. Yards for Grouped Multiple-Family Development. The Review Authority may vary the district yard requirements for individual building units in a grouped multiple-family development provided that adequate open space is maintained, provided that a minimum yard of twenty (20) feet is maintained between

buildings, and provided that along the periphery of such development, the following minimum yards shall be maintained set back from the right-of-way of any street or from the setback line of any major street:

(1) Front yard. Minimum twenty-five (25') feet.

(2) Street side yard. Minimum twenty-five (25) feet.

(3) Rear yard. Minimum twenty-five (25) feet.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

4. Planned Developments.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.06 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 5.** of the Zoning Ordinance.

f. Standards outlined in **§3.22** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the communities as a whole.

5. Structures and Filling within the Floodplain Fringe Overlay (FFO) District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) When permitted, manufacturing and accessory buildings and structures shall include a plan indicating how the structure will be floodproofed and constructed so as to not catch or collect debris or be damaged by floodwaters.

(2) This plan shall be certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood.

(3) Plans for municipal water supply and sanitary sewerage systems shall indicate that the system is floodproofed to an elevation at least two feet above the elevation of the regional flood and is designed to eliminate or minimize infiltration of floodwater into the system.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points and wet areas, along with any previous flood elevations.

(2) Floodplain boundaries.

(3) Soil characteristics of surrounding area and fill.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention area.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operation Plan which includes:

(1) Show that the use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodplain or adjacent floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters.

(2) Show plans for filling so that the elevation of the building or structure is at least two (2) feet above the elevation of the regional flood, including elevations around the entire building or structure, and the location of contiguous lands outside the floodplain which will be used for flood water rescue and relief problems.

(3) Plans for removal of any lands from the FFO district and a copy of the accompanying rezoning petition letter.

(4) Include a copy(ies) of any required water use permit pursuant to Chapter 30 of the Wisconsin Statutes or wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act.

g. Requirements of **§3.21** of this Ordinance shall apply.

h. Any use requiring a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

6. Additional Standards for Transitional Parking for Business, Manufacturing, Institutional and Other Uses. Parking facilities, as defined by this Ordinance, accessory to a use within a business, manufacturing, or institutional district may be authorized through a Conditional Use Permit to be located within the Rs-3, Rg-1, or Rg-2 districts, provided that such facilities are solely for the use of employees or customers of the use to which it is accessory.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Location and "footprint" of any building(s) or structure(s) including all exterior signs.

(2) Location of existing and proposed streets, driveways, alleys, easements, right-of-ways and sidewalks.

(3) Parking lot layout including the location and dimensions of all parking spaces, aisles, wheel bumper stops, traffic islands and other parking lot structures.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan.

(1) Describe use (business, office, manufacturer, industry or institution) being served.

(2) Describe how the parking facility will be used (e.g., to be used by employees and/or customers, the time of day to be used, etc.)

g. The parking facility shall be located on a lot which abuts or is across an alley from a Business, Manufacturing or an Institutional Park District and shall not be located in any building or structure.

h. No portion of the facility shall extend more than 65 feet from the boundary of the nonresidential zoning district.

i. A 25 foot front yard and 5 foot interior side yard shall be maintained. No street side yard or rear yard is required.

j. The facility shall be used solely for the parking of vehicles which shall not exceed 12,000 pounds gross weight. Parking of truck tractors, semi-trailers and container vans are expressly prohibited.

k. No repair or servicing of motor vehicles, or the manufacturing, production, preparation or construction of any material is allowed in the facility.

l. Each driveway to the facility shall be at least six (6) feet from any adjacent residential property.

m. The facility shall comply with the parking and driveway design standards of **§5.08** and **§5.085** of the City Code of General Ordinances, which requires review and approval by the City Traffic Engineer, and the parking requirements of **§6.01** of the City Zoning Ordinance, including the requirement that the facility shall be screened (fenced or landscaped) along any side of the facility which is adjacent or across an alley from a residential zoning district.

n. At intersections with streets and alleys, the facility shall comply with the applicable requirements of **§2.06** "Visual Clearance" of the City Zoning Ordinance.

o. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

7. Bed and Breakfast Establishments.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The location of all off-street parking.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.
e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.
f. The establishment shall be occupied by the owner or an employee during the period of rental.
g. Meals shall only be served to guests of the establishment.
h. Adequate space shall be available for off-street parking.
i. Compliance with Chapter 4.062 of the Code of General Ordinances.
j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

8. Transitional Two-Family Residence in the Rs-3 District.
a. Building Plan as required in **4.05 B**. of the Zoning Ordinance.
b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.
c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.
d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.
e. Utility Plan as required in **§4.05 F**. of the Zoning Ordinance.
f. The residence shall be located on a lot which is adjacent to a or across an alley from a less restrictive zoning district (all zoning districts except the Rs-1, Rs-2, and IP Districts).
g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

9. Second Single-family, Farm Related Dwelling in the A-1 and A-2 Districts.
a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:
(1) The only accessory uses permitted in conjunction with the second single-family farm related residential dwelling shall be a garage, carport and home occupation.
b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:
(1) The second dwelling shall be placed on a parcel separated from the farm parcel.
(2) The second dwelling shall provide a minimum lot area of five (5) acres and no parcel shall be less than 300 feet in width at the highway right-of-way line. If municipal sanitary sewerage service is provided to the structure, the lot area requirement may be reduced to a minimum of 20,000 square feet with a minimum lot width of 125 feet.
(3) Any new five (5) acre parcel created for a second single-family residential dwelling shall be approved only if it is located as contiguous as possible to existing lots or dwellings on the subject or adjacent ownerships.
c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.
d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.
e. The second single-family farm dwelling shall be occupied by a person or a family of which at least one member earns a substantial part of his or her livelihood from farm operations on the parcel or is a parent or child of the operator of the farm.
f. A need for more than one single-family dwelling to support and carry on the permitted or approved conditional use must be established to the satisfaction of the Review Authority before issuance of a Conditional Use Permit may be considered.
g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

10. Housing for Seasonal or Migratory Farm Workers in the A-1 and A-2 Districts.
a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.
b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.
c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.
d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.
e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Not more than one dwelling for farm laborers shall be permitted per farm.

g. The conditional use shall be permitted only so long as the occupants of said dwelling are primarily engaged in farm labor on the farm on which the dwelling is located.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

11. Housing for Farm Laborers in the A-1 and A-2 Districts.

a. The standards outlined in **§4.06 A.11.** should apply.

12. Rooming and Boarding House in the Rg-1, Rg-2, Rm-1, Rm-2, B-1, B-2 and B-3 Districts.

a. Building Plan as required in **§4.05 B.** of this Ordinance, plus:

(1) Layout of building and any planned additions including size and layout of rooms.

(2) Total area of building and total living space in square feet.

(3) Number of bedrooms and number of beds per room.

(4) Designation of common facilities.

(5) Handicap and emergency access and exits.

b. Site Plan as required in **§4.05 C.** of this Ordinance.

(1) Location of all buildings and structures.

(2) Designation of off-street parking areas.

c. Drainage Plan as required in **§4.05 D.** of this Ordinance.

d. Landscape Plan as required in **§4.05 E.** of this Ordinance.

e. Utility Plan as required in **§4.05 F.** of this Ordinance.

f. Operational Plan, which includes:

(1) Name and address of rooming and boarding house operation.

(2) Proposed operation and supervision of facility.

(3) Facility maintenance plan.

(4) Maximum bed capacity and total number of occupants of the structure.

g. Compliance with Wisconsin Department of Health and Social Services requirements of HSS 195.

h. Procuring City license and subsequent annual renewals and compliance with said license.

i. Compliance with all applicable State and local Housing, Building and Fire Codes.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

13. Elderly Campus Housing in the Rm-3 District.

a. Building Plan as required in **Section 4.05 B.** of the Zoning Ordinance, plus:

(1) Building plan as required in **Section 4.05 B.** and **Section 14** of the Zoning Ordinance, plus elevations.

(2) Any planned additions and proposed dates, including size and layout of rooms.

(3) Total square footage of building and total living space in square feet.

(4) Handicap and emergency access and exit.

b. Site Plan as required in **Section 4.05 C.** and **Section 14** of the Zoning Ordinance, plus:

(1) Location and footprint of building(s) and structure(s).

(2) General areas to be landscaped.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** and **Section 14** of the Zoning Ordinance.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the Zoning Ordinance.

f. Operational Plan, which includes:

(1) Construction commencement and completion dates.

(2) Proposed operation and supervision, including the type of services and programs offered, security provided, and emergency response system.

(3) Management or operational control.

(4) Number of employees.

(5) The development shall be maintained and operated in compliance with **Section 3.28** of this Ordinance.

g. Grouped Multi-Family Development. In the case of a multi-family development consisting of a group of two (2) or more buildings to be constructed on a plot of ground where the existing or proposed street and lot layout make it impractical to apply the requirements of this Ordinance to the individual building units in such development, the application of such requirements to such development shall be done by the Review Authority in a manner that will insure substantially the same character of occupancy, density of use and minimum standards of open spaces as permitted in the district in which the proposed development is to be located.

The Review Authority shall not authorize a use of land or a building height which is prohibited in the district in which the multi-family development is to be located, or a smaller lot area per family than the minimum required under this Ordinance in such district.

h. Yards for Grouped Multi-Family Development. The Review Authority may vary the district yard requirements for individual building units in grouped multiple-family development provided that adequate open space is maintained, provided that a minimum yard of twenty (20') feet is maintained between buildings, and provided that along the periphery of such development, the following minimum yard shall be maintained setback from the right-of-way of any street or from the setback line of any major street.

(1) Front Yard. Minimum twenty-five (25') feet.

(2) Street Side Yard. Minimum twenty-five (25') feet.

(3) Rear Yard. Minimum twenty-five (25') feet.

i. Yards for Non-Grouped Multiple-Family Development. Requirements of the Rm-3 Zoning District shall apply.

j. Accessibility: Coordination and Safety. The site shall be designed for safe circulation and access of vehicular and pedestrian traffic. Pedestrian paths shall be installed throughout the site to public transit facilities. The Americans With Disabilities Act Accessibility Guidelines for buildings and facilities shall be adopted by reference as the minimum standard unless otherwise noted.

k. Accessibility: Pedestrian.

(1) Walkways shall be a minimum of forty-eight (48") inches.

(2) Pathways shall be non-slip and non-glare with good drainage.

(3) Site's slope shall be limited to an average five (5%) percent.

(4) Ramps and stairs shall be provided when grade changes exceed five (5%) percent.

(5) Major on-site route shall be limited to a five (5%) percent slope, building entries two and one-half (2.5%) percent with no steps, and other pedestrian routes to an average of six (6%) percent or ten (10%) percent for a maximum of seventy-five (75') feet.

(6) Stairs shall be nonslip and nonglare.

l. Parking.

(1) The facility's parking area shall be close to the entry, well lighted, and equipped with adequate curb cuts/ramps.

(2) A covered, convenient dropoff zone for the main entrance shall be located out of the traffic flow.

(3) Parking shall be provided according to **Section 6.0** of this Ordinance.

(4) The slope of the site's parking area shall not exceed five (5%) percent.

m. Pedestrian Ramps.

(1) Ramps shall be provided if the site grade is greater than five (5%) percent.

(2) Paired flared curb ramps shall be offset to allow defined curb at corner.

(3) Ramps shall be of a nonslip surface with raised markings to alert the visually impaired.

n. Outdoor Lighting.

(1) Sidewalks and entrance shall be well-lighted as approved by the City's Department of Public Works.

(2) Lighting shall be used for pathways as a way to increase visibility as approved by the City's

Department of Public Works.

o. Community Facilities.

(1) Community facilities consisting of a T.V. room or multipurpose room shall be provided in all developments. Developments which do not provide a kitchen or kitchenette in each dwelling unit shall also provide a common dining facility. The dining facility, if required, shall be operated so as to provide no less than one (1) meal to all residents each day. The following facilities may also be provided: game room, craft room, music room, library or exercise room.

(2) Such facilities shall be provided at the ratio of at least 15 s.f. per bedroom or 7.5 s.f. per bed, whichever is greater.

p. Compliance with all applicable State and local housing, building and fire codes. Assisted living facilities shall also be in compliance with Chapter HFS-89, Wisconsin Administrative Code, Chapter 50, Wisconsin Statutes, and all other applicable regulations of the Wisconsin Department of Health and Family Services (DHFS) and other State agencies having jurisdiction thereover.

q. Open Space. A minimum of fifty (50%) percent of the lot shall be devoted to open space. Open space does not include impervious areas, floodplains or wetlands.

r. Conversion to Conventional Multifamily. Conversion from elderly and handicapped housing to conventional multifamily housing shall not be permitted. A duly recorded deed restriction to this effect shall be required in a form drafted or approved by the City Attorney as a condition of occupancy.

s. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

14. Residential Development in the HRPO District.

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Development standards of the Harborpark Neighborhood Code required in **Section 3.29** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

15. Residential Development in the PCNO District.

a. Building Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Development Standards of the Pike Creek Neighborhood Code required in **Section 3.30** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

16. Single Family Attached Residences in the RG-2 and B-4 Districts.

a. Building Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance. Single family attached residential buildings shall conform with the exterior building variation guidelines set forth in **Section 14.07 B.11.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Primary Entrance. The primary entrance(s) for each residence shall be located along a street-

facing facade of the principal building. Each primary entrance shall be emphasized by a covered porch or stoop have a minimum area of twenty-five (25) square feet and a minimum depth of six (6') feet. The roof over the porch(es) or stoop(s) shall be no more than twelve (12') feet above the floor of the porch or stoop and be at least thirty (30%) percent solid. The porch(es) or stoop(s) shall be defined by columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

e. Attached Garages. Attached garages shall only be permitted where access is provided by a public or private alley or a private street. Attached garages are not permitted along a public street-facing facade.

f. Windows. All principal building facades, including attached garages, shall have at least one (1) window on each story with a minimum area of nine (9) square feet. Street-facing facades shall also require a minimum of fifteen (15%) percent of the area to be comprised of windows on each story. An exception may be made for a garage wall that contains the garage door(s).

g. Roofs. Roofs that face a public street shall not have a greater distance from the lowest portion of the roof to the ridge line than the height of the street-facing facade, measured vertically from the ground level of the facade to the lowest portion of the roof.

h.Dwelling Units.

(1) Dwelling Units in the RG-2 District. One (1) dwelling unit may be located per individual single family residential lot, up to a maximum of five (5) attached dwelling units located on five (5) single family lots. A series of dwelling units, in conformance with **Section 4.06 A.16.i.**, may also be constructed on a common multiple family lot.

(2) Dwelling Units in the B-4 District. One (1) dwelling unit may be located per individual single family residential lot, or dwelling units may be constructed as a series of attached dwelling units located on a common lot, as permitted in **Section 4.06 A.16.i.** of this Ordinance.

i. Series of Single Family Attached Residences. A minimum series of three (3) single family attached residences shall be required to be grouped together. Such series shall be limited to five (5) attached units in the RG-2 District, and twelve (12) attached units in the B-4 District, and shall be submitted as a planned development through a Conditional Use Permit application. The minimum distance between each series on a common lot shall be twenty (20') feet.

j. Front Building Facade. The front building facade must occupy a minimum of ninety (90%) percent of the lot frontage at the build-to line.

k. Unit Elevation from Finished Exterior Sidewalk Grade. Units shall be raised a minimum of eighteen (18") inches from the finished exterior sidewalk grade.

l. Detached Accessory Buildings. Detached accessory buildings on interior lots shall be grouped together whenever possible at the common property lines.

m. Other Issues. Other issues which may have an adverse social, economic or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

17. Non-conforming Residential Uses

a.Verification by the applicant, in form and substance, including but not limited to, an inspection or inspections by City staff or agents on behalf of the City of the interior and/or exterior of any structure that is subject to an application under this subsection, satisfactory to the reviewing authority of the prior existing residential use.

b. Building Plan as required in Sections 4.05B. and 14.07 B. of the Zoning Ordinance.

c. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.

d. Drainage Plan as required in Sections 4.05D. and 14.07 E. of the Zoning Ordinance.

e. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.

f. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.

g. Other issues which may have an adverse social , economic, or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole .

h. One or more of plans identified hereinabove may be waived in the discretion of reviewing authority.

B. BUSINESS CONDITIONAL USES

1. Sexually-Oriented Businesses in the B-2 District.

a. Building Plan as required in **Section 4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **Section 4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Section 4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **Section 4.05 F.** of the Zoning Ordinance.

f. Operational Plan as required in the Code of General Ordinances.

g. Location. A sexually-oriented business, as defined, shall only be located in compliance with the following criteria:

(1) No Sexually-Oriented Business shall be located within one thousand (1,000') feet, (based on the measurement standards of this Section), of the following:

(a) Residentially zoned property;

(b) Residentially used property;

(c) Public, private or parochial elementary or secondary schools;

(d) Public park, recreation area or playground;

(e) Daycare center;

(f) Youth center;

(g) Public library; or,

(h) Public museum.

(2) No sexually-oriented business shall be located within one thousand (1,000') feet of the Interstate 94 right-of-way.

(3) No sexually-oriented business shall be located within one thousand (1,000') feet of another sexually-oriented business.

h. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the sexually-oriented business to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

i. Outdoor Activities. Any outdoor activities associated with the sexually-oriented businesses are prohibited. The sexually-oriented business shall be conducted entirely within an enclosed building.

j. Signage. Signs associated with the sexually-oriented businesses shall comply with Chapter XV of the Code of General Ordinances. There shall be no outdoor sign or interior sign visible from the exterior of the building which features or depicts sexual conduct or a facsimile thereof.

k. Multiple Uses Prohibited. There shall not be more than one (1) sexually-oriented use allowed at any given location.

l. Other Requirements. The sexually-oriented business shall comply with all applicable local, State and Federal laws, rules and ordinances regulating such uses.

2. Business Structures in the FFO District.

a. The standards listed in **§4.06 A.5**. shall apply.

3. Community Living Arrangements in the B-1, B-2, B-3 and B-4 Districts. The standards listed in **§4.06 A.1.** shall apply.

4. Convention Center in the B-3 and B-4 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) The design of any exterior building signage.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The design of any outdoor conference facilities such as stages or outdoor eating areas.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. **Landscape Plan** as required in **§4.05 E.** of the Zoning Ordinance.

e. **Utility Plan** as required in **§4.05 F.** of the Zoning Ordinance.

f. **Operational Plan** describing:

(1) Type and extent of convention activities, including activities other than convention (e.g., restaurant, stores, etc.)

(2) Hours, days and months of operation.

(3) Capacity of center (maximum number of persons).

g. **Traffic Circulation Plan** which describes:

(1) Trucks, buses, limousines, and other vehicles loading, unloading and parking facilities.

(2) Emergency vehicle access.

(3) Plans for traffic control.

h. Compliance with local fire protection requirements.

i. Additional parking spaces beyond the normal requirements within the B-3 District may be required.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

5. **Drive-in Theaters in the B-2 District.**

a. **Building Plan** as required in **§4.05 B.** of the Zoning Ordinance.

b. **Site Plan** as required in **§4.05 C.** of the Zoning Ordinance plus the locations of:

(1) Picture screens and amusements.

(2) Food and beverage stand, comfort station and ticket windows.

(3) Parking areas for customers, employees and maintenance vehicles, including type of surfacing and dust control measures.

(4) Storage areas for equipment and materials.

(5) Exterior signs and advertising displays.

(6) Proposed landscaping, including fencing and any required screening.

c. **Drainage Plan** as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Show how the entire site will be drained including surfaced and unsurfaced areas.

d. **Landscape Plan** as required in **§4.05 E.** of the Zoning Ordinance.

e. **Utility Plan** as required in **§4.05 F.** of the Zoning Ordinance.

(1) Indicate hours which exterior lighting will be used and the direction of illumination of said lighting, including the location of any flashing or special exterior lighting.

(2) Location of any wiring which is not permanently installed, including wiring along the ground.

(3) Location of any on-site sanitary sewerage systems.

(4) Plans for waste and trash removal.

f. **Operational Plan** which includes:

(1) Entertainment and amusement activities.

(2) Hours, days and months of operation.

g. **Traffic Circulation Plan** which describes:

(1) How vehicles will be directed in and out of the facility and parking stalls.

(2) Location of vehicle queuing area (vehicle storage) for waiting vehicles.

(3) Emergency vehicle access.

h. The facility shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2**. of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, including along any street frontage, regardless of the adjacent district, if specific characteristics of the facility warrant such additional screening or landscaping.

i. Any licensing standards and regulations of Chapter 12 "Amusements" and any other applicable chapter of the City Code of General Ordinances.

j. No activity shall produce a sound level outside its premises that exceeds the standards set forth in

Chapter 23 "Noise Control" of the City Code of General Ordinances.

k. The lot shall be effectively drained and shall not direct any water runoff onto adjacent lots or streets without the approval of the City Engineer.

l. Site shall be accessible from public streets that are adequate to carry the traffic expected to be generated and all access points and traffic controls shall be approved by the City Traffic Engineer.

m. Any wind blown trash or waste shall be collected daily and properly disposed.

n. Exterior lighting shall be arranged, oriented, or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district or create a traffic hazard. No flashing lights within 150 feet of a residential district.

o. The facility shall not include any "adult uses" as defined in the Zoning Ordinance.

p. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

6. Multiple-Family Residences Above The First Floor.

a. The standards outlined in **§4.06 A.3.** shall apply.

7. Outdoor Commercial Recreational Uses in the B-2 District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Amusement or recreational activities, food and beverage stands and comfort stations.

(2) Parking areas for customers, employees, and maintenance vehicles.

(3) Storage areas for equipment and materials.

(4) Exterior signs and advertising displays.

(5) Proposed landscaping, including fencing and any required screening.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations.

(2) Floodplain boundaries, if applicable.

(3) Soil characteristics where applicable.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:

(1) Indicate hours which exterior lighting will be used and the direction of illumination of said lighting, including the location of any flashing or special exterior lighting.

(2) Location of any wiring which is not permanently installed, including wiring along the ground.

(3) Location of any on-site sanitary sewerage systems.

f. Operational Plan which describes:

(1) Type and extent of amusement or recreational activities.

(2) Hours, days and months of operation.

(3) Plans for waste and trash removal.

g. Traffic Circulation Plan which describes how vehicles will be directed in and out of the facility.

h. The facility shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if specific characteristics of the facility warrant such additional screening or landscaping.

i. Any licensing standards and regulations of Chapter 12 "Amusements" and any other applicable chapter of the City Code of General Ordinances.

j. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

k. The lot shall be effectively drained and shall not direct any water runoff onto adjacent lots or streets without the approval of the City Engineer.

l. Site shall be accessible from public streets that are adequate to carry the traffic expected to be generated and all access points and traffic controls shall be approved by the City Traffic Engineer.

m. Any wind blown trash or waste shall be collected daily and properly disposed.

n. Exterior lighting shall be arranged, oriented, or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district or create a traffic hazard. No flashing lights within 150 feet of a residential district.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

8. Aluminum Collection Center.

a. Building Plan as required in **§4.05 B.** of Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.06 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. This use may only be located on a parking lot in an enclosed vehicle not less than 40 feet in length or in an automatic aluminum collection machine, or within a retail food store building as an accessory use.

g. Aluminum collection centers in a vehicle or in an automatic aluminum collection machine may only be placed on the parking lot of a building site or sites containing 25,000 square feet or more of floor area, contingent to the owners of the buildings agreeing to a collection center.

h. An aluminum collection center located on a parking lot may not occupy required off-street parking spaces. An aluminum collection center must be arranged so as to not impede free traffic flow or disrupt pedestrian traffic.

i. Receipt of and payment for aluminum at an aluminum collection center located on a parking lot may take place outside the collection center, but at a point no more than 20 feet from the opening of the enclosed vehicle where the aluminum is stored.

j. The owner of the property and the owner and operator of the aluminum collection center shall remove aluminum stored at the collection center at least once a week.

k. The owner of the property and the owner and operator of the aluminum collection center shall keep the aluminum collection center in proper repair and the exterior shall have a neat and clean appearance.

l. The owner of the property and the owner and operator of the aluminum collection center shall keep the building site clean and in a neat appearance and shall dispose of aluminum cans and other litter from the building site where the aluminum collection center is located.

m. Aluminum products containing additional materials such as glass, insulation, etc., shall be separated prior to bringing the aluminum to the collection center.

n. Signage containing the company name, phone number, hours of collection and types of materials to be collected shall be clearly posted at the site at all times.

o. The owner of the property and the owner, operator, and customers of the aluminum collection center shall be prohibited from processing or flattening aluminum at the site. Automatic aluminum collection machines are exempt from this provision.

p. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

9. Recycling Collection Centers.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. **Utility Plan** as required by **§4.05 F.** of the Zoning Ordinance.

f. Shall be limited to the collection and processing of Recycling-Center Material, as that term is defined in Chapter 13 of the Code of General Ordinances for the City of Kenosha.

g. Recycling-Center Material processing shall be limited to those means allowed to a Recycling Center licensee.

h. Collection center may be used as an accessory use to an established business.

i. A minimum of five (5) parking spaces shall be available for the recycling collection center.

j. Recyclable material shall be removed from the recycling collection center at least once a week.

k. Owner and/or operator of the recycling collection center shall keep the site clean and in a neat appearance and shall dispose of recyclable material and other litter from the site.

l. Sites adjacent to residential zones shall be screened in a manner acceptable to the Administrator.

m. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

10. Automobile Body Shop in the B-2 and B-3 Districts.

a. **Building Plan** as required in **§4.05 B.** of the Zoning Ordinance.

b. **Site Plan** as required in **§4.05 C.** of the Zoning Ordinance.

(1) Existing buildings and proposed additions or new structures.

(2) Customer and employee parking areas.

(3) Storage areas for autos and other motor vehicles, parts and trash.

(4) Existing and proposed screening and landscaping.

(5) Exterior lighting on buildings and poles.

(6) Outdoor signs.

c. **Drainage Plan** as required in **§4.05 D.** of the Zoning Ordinance.

d. **Landscape Plan** as required in **§4.05 E.** of the Zoning Ordinance.

e. **Utility Plan** as required in **§4.05 F.** of the Zoning Ordinance.

f. **Operational Plan** which describes:

(1) Hours and days of the proposed operation.

(2) Type and extent of work to be done on motor vehicles.

(3) How site will be used, especially vehicle storage.

(4) How often scrap parts will be picked up.

(5) Methods to be used to control noise, paint fumes, and dust.

(6) Name and address of body shop operator.

(7) Anticipated number of employees.

g. All repair and painting work shall be conducted wholly within a completely enclosed building.

h. All storage of vehicles, parts or equipment which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district, as required in **§4.05 E.(2)** of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the body shop warrant such additional screening or landscaping.

i. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

j. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property, as measured and controlled by Chapters NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

k. All motor vehicles, or parts thereof, being worked on or stored shall meet the provisions of Chapter 7 "Traffic Regulations" of the City Code of General Ordinances and specifically those provisions of said Chapter regulating motor vehicle repairs.

l. The compatibility of the exterior appearance and proposed operation of the body shop with the

surrounding commercial uses in the B-2 or B-3 Districts shall be considered by the Commission.

m. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

11. Automobile or Truck Wash in the B-2 and B-3 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout of building(s) design and architecture.

b. Site Plan as required in **§4.05 (C)** of the Zoning Ordinance, plus:

(1) Location and "footprint" of building(s) and structure(s), including vehicle washing units (bays), vacuum drying units, gas pumps, trash and waste storage areas, any outdoor signs, and exterior lighting.

(2) Location of existing and proposed streets, drives, alleys, easements, right-of-ways, and parking as required.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Proposed topography of the site denoting elevations and natural drainage after construction.

(2) Plans for snow and ice removal and control.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance, plus:

(1) Proposed plantings and fences, including the type, height and opaque characteristics of any required screenings.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which describes:

(1) How the car or truck wash will operate, i.e. self-service, full-service, automotive, etc.

(2) Plans for removal and control of trash and waste.

(3) Hours and days of operation.

g. Traffic Circulation Plan which describes:

(1) How vehicles will be directed onto the lot and into the washing units.

(2) Number of queuing spaces (vehicle storage) available for waiting vehicles.

(3) Location for the hand drying of vehicles if no automatic drying available.

(4) Location of employee parking.

h. The car or truck wash shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance.

The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the car or truck wash warrant such additional screening or landscaping.

i. No vehicle repair or service work shall be conducted except when conducted wholly within a completely enclosed building.

j. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

k. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property, as measured and controlled by Chapters NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

l. The lot shall be effectively drained and shall not direct any water runoff onto adjacent lots.

m. Snow and ice shall be effectively removed and controlled and ice shall not form on the driveways of the facility in a manner which creates a traffic hazard.

n. The facility shall not create any queuing or traffic impediments on adjacent streets, including traffic backed up on the street.

o. Any windblown trash or waste shall be collected daily and properly disposed of.

p. The compatibility of the exterior appearance and proposed operation of the car or truck wash with any surrounding commercial uses in the B-2 or B-3 Districts shall be considered by the Commission.

q. Other issues which may have an adverse social, economic, or environmental impact or affecting the

health, safety or welfare of abutting or neighboring properties or the City as a whole.

12. Brewpubs or Winery, Accessory to a Restaurant, Tavern, Cocktail Lounge or Package Beverage Store.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The location of all off-street parking.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. No more than thirty (30%) percent of the gross floor area shall be devoted to any manufacturing, processing or storage of beverages produced on the premises.

g. Brewpubs shall produce no more than 3,000 barrels of fermented malt beverages per year and wineries shall produce no more than twenty thousand (20,000) gallons of wine per year.

h. The establishment shall meet all requirements of §125 of the Wisconsin State Statutes and Chapter 10 of the Code of General Ordinances.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

13. Hotel and Motel in the B-2, B-3 and B-4 Districts.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Compliance with §2.16 and §4.063 of the General Code of Ordinances, City of Kenosha.

g. Compliance with Chapter HSS 195 of the Wisconsin Administrative Code.

h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

14. Unified Business Centers and Other Commercial Uses on a Site 2.5 Acres or More, Including Additions, Enlargements, Expansions and Detached Buildings in the B-2 District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout, design, orientation and architecture of building(s).

(2) Gross Leasable Area (GLA).

(3) Outdoor signs on building facades.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Total acreage and legal description.

(2) Location, arrangement, and dimensions of existing and proposed streets, drives, alleys, easements, right-of-ways, buildings, outdoor signs, vehicular/pedestrian access points and pedestrian walkways. staging.

(3) Graphic outline of any development.

(4) Site shall be accessible from public streets that are adequate to carry traffic.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, at a two (2) foot or less contour interval, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations.

(2) Floodplain boundaries, if applicable.

(3) Soil characteristics where applicable.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas and drainage swales.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance, plus:

(1) Existing trees and landforms.

(2) Location, extent and type of all proposed plantings.

(3) Location, height, opaque characteristics and type of any required screening.

e. Utility Plan as required in **§4.06 F.** of the Zoning Ordinance, plus:

(1) Location of all utilities: storm and sanitary sewers, water mains, electrical, natural gas and communication (cable television, telephone, etc.) lines, and freestanding utilities.

(2) Exterior lighting.

(3) Location of waste and trash collection and indicate plans for snow removal.

f. Operational Plan:

(1) Provide copies of any restrictive covenants regulating development, design, open space management or site maintenance.

(2) Capital cost summary, include total estimated value of the completed development (buildings, site improvements, landscaping and special features); expected date of commencement of the development of the site, including a statement outlining the amount of construction which constitutes "commencement of physical development of the site" (as mutually agreed upon by the petitioner and Review Authority); and a written construction schedule which details construction and development staging.

(3) Shopping cart management shall include, but not be limited to:

(a) installation of adequate parking lot cart corrals;

(b) retrieval of off-premise shopping carts on a daily basis;

(c) placement of loose on-premises shopping carts in car corrals at least every four (4) hours during hours open for business; and,

(d) movement of all carts into the store from the parking lot corrals at closing time.

For stores open on a 24-hour basis, all carts shall be brought into the store at eight (8) hour intervals.

(4) Hours of Operation. Applicant shall indicate the hours of operation for the constituent units of the Unified Business Center. The Review Authority may establish limits on the hours of operation based on site location, adjacent land uses and/or impact of the development.

g. Parking, loading and traffic plan showing:

(1) Location, arrangement and dimensions of all parking spaces, aisles and drives.

(2) Truck loading spaces and docks.

(3) Number of parking spaces provided per 1,000 square feet of GLA and the number of loading spaces provided per gross floor area.

(4) Traffic circulation and control patterns within the site.

h. Access and traffic control as reviewed and approved by the City Traffic Engineer shall meet the following requirements:

(1) Driveway approaches and access points shall meet the applicable provisions of §5.085 ,"Driveway Approaches", of the City Code of General Ordinances.

(2) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using any portion of the street right-of-way.

(3) Driveway locations for loading and unloading activities shall not hinder vehicle ingress or egress.

(4) Provisions for internal circulation between adjacent parcels should be provided through coordinated or joint parking and traffic systems, or other methods approved by the City Traffic Engineer.

i. Off-street parking facilities as reviewed and approved by the City Traffic Engineer and Review Authority shall meet the requirements of **§6.01** of the Zoning Ordinance and the design standards of **§5.8**, "Parking Facilities" of the City Code of General Ordinances.

j. Off-street loading facilities as reviewed and approved by the Review Authority shall meet the requirements of **§6.02** of the Zoning Ordinance and applicable design standards of **§5.085** "Driveway Approaches" of the City Code of General Ordinances and in addition:

(1) The design of loading facilities shall not hinder any part of the internal traffic system for moving vehicular traffic.

(2) Loading facilities shall be clearly marked.

(3) The Review Authority may require loading facilities to be screened as outlined in **§4.05 E. 2.** of the Zoning Ordinance.

(4) Buildings less than 7,000 square feet do not have to provide a loading space.

k. Exterior lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or create a traffic hazard. No flashing lights within 150 feet of a residential district.

l. Minimum development area of 2.5 acres for new developments.

m. The petitioner and Review Authority shall agree on the following:

(1) A start up date for development.

(2) Completion date for developments.

(3) Commencement and completion date of any phases.

n. Lot and yard requirements.

(1) Detached buildings with street frontage must have a minimum 100 foot lot width, otherwise no minimum is required.

(2) Front yard shall have a minimum five (5) foot deep landscaped buffer strip.

(3) Street side yard shall have a minimum five (5) foot deep landscaped buffer strip.

(4) Rear yard when adjacent to a residential district shall be landscaped and screened.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

15. Drive-thru Facilities in Conjunction with Permitted/Conditional Uses in the B-2, B-3 and B-4 Districts:

a. **Building Plan** as required in **§4.05 B.** of the Zoning Ordinance.

b. **Site Plan** as required in **§4.05 C.** of the Zoning Ordinance.

c. **Drainage Plan** as required in **§4.05 D.** of the Zoning Ordinance.

d. **Landscape Plan** as required in **§4.05 E.** of the Zoning Ordinance.

e. **Utility Plan** as required in **§4.05 F.** of the Zoning Ordinance.

f. **Parking and Traffic Circulation Plan** in compliance with the following standards:

(1) Entrance to the drive-thru lane shall be located a minimum of one hundred fifty (150') feet from the intersection of the centerline of any public street.

(2) Drive-thru lane shall be paved.

(3) Drive-thru lane shall be a minimum width of eleven (11') feet.

(4) Vehicle stacking distance between property line and order station, or service window where there is no order station, shall be a minimum of seventy-five (75') feet.

(5) Vehicle stacking distance between order station where there is an order station and service window, shall be a minimum of twenty-five (25') feet.

(6) Distance between drive-thru lane and adjacent parking stalls, excluding stall depth, shall be a minimum of:

(a) 0° parallel parking - ten (10') feet.

(b) 60° parking - fifteen (15') feet.

(c) 90° parking - twenty-five (25') feet.

(7) Drive-thru lane shall not obstruct or interfere with any other on site driveways or traffic circulation elements.

g. Service window shall be located so as to be visible from a public street. Service window and drive-thru lane shall not be located within fifty (50') feet of a residentially zoned or used property. Drive-thru lane service window and order stations, where there is an order station, shall be effectively screened from adjacent residential properties and uses through fencing, landscaping or a combination thereof.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

i. Alcohol beverages may not be delivered through a service window from a drive-thru facility.

16. Self-Service Storage Facilities in the B-2, M-1 and M-2 Districts.

a. Building Plan as required in **Section 4.05 B.** and **Section 14** of the Zoning Ordinance, plus:

(1) Material sample(s) and colors.

(2) Floor plan indicating location and size of office and storage units.

(3) All buildings shall be constructed of decorative masonry, brick, cut stone, or stained, painted, aggregate or decorative precast concrete panel. Concrete block, where used, shall be cast with a decorative pattern.

b. Site Plan as required in **Section 4.05 C.** and **Section 14** of the Zoning Ordinance, plus:

(1) Location and "footprint" of all structures.

(2) Location of all off-street parking spaces. All parking spaces and drives between storage buildings shall be paved with asphaltic concrete or Portland Cement concrete.

(3) Location of any outdoor storage areas, which shall be shown as paved with asphaltic concrete or Portland Cement concrete.

(4) A minimum of thirty (30') feet wide lanes shall be provided between buildings.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** and **Section 14** of the Zoning Ordinance.

(1) In all cases, Option 1 of Table 3 "Interior Parkway Landscaping for Commercial Uses" of Section 14 of the Zoning Ordinance shall be used as the landscaping requirements for interior parkways.

(2) Fencing shall be constructed of a site-obscuring wood or masonry fence.

(3) Foundation plantings and site interior landscaping requirements shall be waived when the site is screened by a six (6') foot site-obscuring fence or masonry wall, including storage building walls.

(4) Outdoor storage areas shall be screened by a six (6') foot site-obscuring fence or masonry wall.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Name and address of facility operator.

(2) Number of employees.

(3) Hours, days and months of operation.

(4) Permitted items to be stored in outside storage area(s).

(5) Security system.

g. Yard Requirements.

(1) Front Yard. There shall be a minimum front yard of fifty (50') feet, measured from the front lot line, or from the setback of any major street.

(2) Side Yards.

(a) Interior Side Yard. There shall be a minimum interior side yard of ten (10') feet. Interior lots shall have two (2) interior side yards. Corner lots shall have one interior side yard and one street side yard.

(b) Street Side Yard. There shall be a minimum street side yard of twenty-five (25') feet. Where a side lot line in the B-2 District fronts on a street and where a rear lot line abuts or is across an alley fronts a residential district.

(3) Rear Yard. A rear yard of not less than twenty-five (25') feet is required, except that where a rear lot line in the B-2 District fronts on a street and where a side lot line in the B-2 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the rear yard requirement.

h. Vehicle stacking distance between lot line and gate or card-key system shall be a minimum of forty (40') feet.

i. Outdoor Storage Areas. Materials stored in outside storage areas shall not exceed the height if the fence and shall be maintained in an orderly manner with twenty-four (24') feet wide lanes between vehicles. Outdoor storage areas are limited to licensed and operable vehicles and boats. Construction equipment and materials shall not be permitted.

j. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals shall not be permitted.

k. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

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

a. **Building Plan** as required in **Sections 4.05 B.** and **14.0** of the Zoning Ordinance, plus:

(1) Material and color sample(s).

(2) Predominant facade materials (comprising a minimum of 50% of the total facade) for the construction of all buildings shall consist of one (1) or more of the following:

(a) Decorative masonry;

(b) Brick;

(c) Cut stone;

(d) Stained, painted aggregate or decorative precast, concrete panel.

(3) Roof forms shall be visible with a 3/12 or greater slope. Roof style shall consist of one (1) of the following:

(a) Hip roof;

(b) Gabled roof.

(c) Flat roof with a visible roof form at perimeter.

(4) Overhead canopy structure detail shall be submitted and shall be generally compatible with the elements of the principal building. Canopy supports shall be enclosed with a predominant facade material used for the principal building.

b. **Site Plan** as required in **Sections 4.05 C.** and **14.0** of the Zoning Ordinance.

c. **Drainage Plan** as required in **Sections 4.05 D.** and **14.0** of the Zoning Ordinance.

d. **Landscape Plan** as required in **Sections 4.05 E.** and **14.0** of the Zoning Ordinance.

e. **Utility Plan** as required in **Sections 4.05 F.** and **14.0** of the Zoning Ordinance.

f. Exterior lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or to create a traffic hazard.

g. Outside display of store products or other materials is prohibited unless specifically authorized by the Review Authority in a designated area and in a manner consistent with and appropriate to the development.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

18. Commercial Development in the HRPO District.

a. **Building Plan** as required in **Sections 4.05 B**. and **14.07 B**. of the Zoning Ordinance.

b. **Site Plan** as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. **Drainage Plan** as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. **Landscape Plan** as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. **Utility Plan** as required in **Sections 4.05 F**. and **14.07 D.** of the Zoning Ordinance.

f. Development standards of the Harborpark Development Code required in **Section 3.29** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

19. Body-Piercing Establishments in the B-2 District.

a. **Building Plan** as required in **Sections 4.05 B**. and **14.07 B**. of the Zoning Ordinance.

b. **Site Plan** as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. **Drainage Plan** as required in **Section 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. **Landscape Plan** as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. **Utility Plan** as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Operational Plan, which includes:

(1) Compliance with State of Wisconsin Administrative Code, Department of Health and Family Services, Chapter HFS 173, entitled "Tattooing and Body Piercing", and Sections 252.24 through 252.245, Wisconsin Statutes.

(2) Installation of signage stating that no loitering is allowed on the premises.

(3) Statement of days and hours of operation.

(4) Restriction that no business activity shall take place in public view from the building exterior.

g. Location. A Body-Piercing Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Body-Piercing Establishment shall be located within one thousand (1,000') feet, (based on the measurement standards of this Section), of the following:

(a) Residentially zoned property;

(b) Residentially used property;

(c) Public, private or parochial elementary or secondary schools;

(d) Public park, recreation area or playground;

(e) Daycare center;

(f) Youth center;

(g) Public library; or,

(h) Public museum.

(2) No Body-Piercing Establishment shall be located within one thousand (1,000') feet of the Interstate 94 right-of-way.

(3) No Body-Piercing Establishment shall be located within one thousand (1,000') feet of another Body Piercing Establishment.

h. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the Body-Piercing Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

20. Tattoo Establishments in the B-2 District.

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B**. of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Section 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Operational Plan, which includes:

(1) Compliance with State of Wisconsin Administrative Code, Department of Health and Family Services, Chapter HFS 173, entitled "Tattooing and Body Piercing", and Sections 252.23 through 252.245, Wisconsin Statutes.

(2) Installation of signage stating that no loitering is allowed on the premises.

(3) Statement of days and hours of operation.

(4) Restriction that no business activity shall take place in public view from the building exterior.

g. Location. A Tattoo Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Tattoo Establishment shall be located within one thousand (1,000') feet, (based on the measurement standards of this Section), of the following:

(a) Residentially zoned property;

(b) Residentially used property;

(c) Public, private or parochial elementary or secondary schools;

(d) Public park, recreation area or playground;

(e) Daycare center;

(f) Youth center;

(g) Public library; or,

(h) Public museum.

(2) No Tattoo Establishment shall be located within one thousand (1,000') feet of the Interstate 94 right-of-way.

(3) No Tattoo Establishment shall be located within one thousand (1,000') feet of another Tattoo Establishment.

h. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the Tattoo Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

21. Mixed-Use Development In Accordance With An Adopted Neighborhood Plan or Site Development Plan, Including Additions, Enlargements, Expansions and Detached Buildings in the B-4 District.

a. Requirements For All Development Types.

(1) Building Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance, plus:

(a) Layout, design, orientation and architecture of building(s).

(b) Total square footage of building(s).

(c) Handicap and emergency access and exit.

(2) Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance, plus:

(a) Total acreage and legal description.

(b) Location, arrangement and dimensions of existing and proposed streets, drives, alleys, easements, right-of-ways, buildings, outdoor signs, public spaces/plazas, vehicular/pedestrian access points and pedestrian walkways.

(c) Graphic outline of any development.

(d) Site shall be accessible from public streets that are adequate to carry traffic.

(3) Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance, plus:

(a) Existing topography, at a two (2) foot or less contour interval, including spot elevations of existing buildings, structures, high points and wet areas, with any previous flood elevations.

(b) Floodplain boundaries, if applicable.

(c) Soil characteristics where applicable.

(d) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas and drainage swales.

(4) Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance, plus:

(a) Existing trees and landforms.

(b) Location, extent and type of all proposed plantings.

(c) Location, height, opaque characteristics and type of any required screening.

(5) Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance, plus:

(a) Location of all utilities: storm and sanitary sewers, water mains, electrical, natural gas and communication (cable television, telephone, etc.) lines, and freestanding utilities.

(b) Exterior lighting.

(c) Location of waste and trash collection, and indicate plans for snow removal.

(6) Other Issues which may have an adverse social, economic or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

b. Additional Standards for Nonresidential Development in the B-4 District.

(1) Building Plan as required in **Section 4.06 B.21.a.** above, plus:

(a) Gross Leasable Area (GLA) of all buildings.

(b) Square footage of residential units and floors.

(c) Outdoor signs on building facades.

(2) Operational Plan:

(a) Provide copies of any restrictive covenants regulating development, design, open space management or site maintenance, and/or an operational plan which includes management or operational control, deed restrictions, bylaws or property owners' association Articles of Incorporation.

(b) Capital cost summary, including total estimated value of the completed development (buildings, site improvements, landscaping and special features); expected date of commencement of the site development, including a statement outlining the amount of construction which constitutes "commencement of physical development of the site" (as mutually agreed upon by the petitioner and the Review Authority); and, a written construction schedule which details construction and development staging.

(c) Shopping Cart Management Plan, including, but not limited to:

i. Submission of a Shopping Cart Management Plan for on-site management of shopping carts at the time of submission of a Conditional Use Permit, and thereafter, at the time of occupancy. Such Shopping Cart Management Plans shall prevent customers from removing shopping carts from the perimeter of the development by use of products such as CAPS (Cart Anti-Theft Protection System), Kart Savers, or a similar product;

ii. Installation of adequate parking lot cart corrals;

iii. Retrieval of any off-premise shopping carts on a daily basis;

iv. Placement of loose on-premise shopping carts in cart corrals at least every two (2) hours during hours for business; and,

v. Movement of all carts into the store from the parking lot corrals at closing time. For stores open on a twenty-four (24) hour basis, all carts shall be brought into the store at eight (8) hour intervals.

(3) Parking, Loading and Traffic Plan Showing:

(a) Location, arrangement and dimensions of all on-site parking spaces, aisles and drives.

(b) Location of any proposed on-street parking spaces used to satisfy the requirements of **Section 6.0** of the Zoning Ordinance.

(c) Truck loading spaces and docks.

(d) Number of parking spaces per one thousand (1,000) square feet of GLA, and the number of parking spaces per residential unit, as well as the number of loading spaces provided per gross floor area.

(e) Traffic circulation and control patterns within the site.

(f) Pedestrian walkways through parking lot. Parking lot with greater than fifty (50) parking spaces and more than twenty (20) spaces in a continuous row, shall provide at least one (1) pedestrian walkway through a parking lot, connecting buildings on opposite sides of the parking lot, or a building to a public sidewalk. Employee only parking areas shall be exempt from this requirement. Such pedestrian walkway shall have a minimum width of five (5') feet and shall be defined by at least two of the following:

- A six (6") inch vertical curb.
- Use of a paving material that provides contrast against the material used in the parking lot, such as textured pavement, painted or colored asphalt/concrete, pavers, stamped asphalt/concrete, and/or raised walkways.
- A continuous landscape area at a minimum of three (3') feet wide on at least one side of the walkway.

This requirement may be otherwise conditioned or waived by the Review Authority.

(4) Access and Traffic Control, as reviewed and approved by the City Traffic Engineer shall meet the following requirements:

(a) Driveway approaches and access points shall meet the applicable provisions of Section 5.085 "Driveway Approaches" of the Code of General Ordinances for the City of Kenosha.

(b) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using any portion of the street right-of-way.

(c) Driveway locations for loading and unloading activities shall not hinder vehicle ingress or egress.

(d) Provisions for internal circulation between adjacent parcels should be provided through coordinated or join parking and traffic systems, or other methods approved by the City Traffic Engineer.

(5) Off-Street Parking Facilities as reviewed and approved by the City Traffic Engineer and Review

Authority shall meeting the requirements of **Section 6.01** of the Zoning Ordinance, and the design standards of Section 5.8, "Parking Facilities", of the Code of General Ordinances for the City of Kenosha.

(6) Off-Street Loading Facilities as reviewed and approved by the Review Authority shall meet the requirements of **Section 6.02** of the Zoning Ordinance, and applicable design standards of Section 5.085, "Driveway Approaches" of the Code of General Ordinances for the City of Kenosha, and in addition:

(a) The design of loading facilities shall not hinder any part of the internal traffic system for moving vehicular traffic.

(b) Loading facilities shall be clearly marked.

(c) Loading docks and service areas are prohibited on street frontages and shall generally not be visible from street frontages. Exceptions may be made for loading areas located on sides of buildings when properly screened and/or recessed. Screening of loading areas shall be by walls of the same building materials as its related principal building, a minimum of four (4') feet in height.

(d) Buildings less than seven thousand (7,000) square feet shall not be required to have a loading space.

(7) Streetscaping in Public Areas shall be required and shall be compatible with the streetscaping patterns of the surrounding area, where such areas contain a common streetscaping pattern, including ornamental lighting, matching benches, waste receptacles, lighting and landscaping patterns, or as approved by the Review Authority. Applicants shall discuss the streetscaping requirements with the Department of Department of Community Development and Inspections prior to submitting a Conditional Use Permit application.

(8) Exterior Lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or create a traffic hazard. No flashing lights shall be permitted within one hundred fifty (150') feet of a residential district or use.

(9) Public Amenities. The mixed-use development shall contribute to the creation or enhancement of public spaces by incorporating at least two (2) of the following site amenities:

(a) Plaza with seating area (minimum size of five hundred (500) square feet).

(b) Mini-parks, squares or greens (minimum size of five hundred (500) square feet).

(c) Water feature.

(d) Clock tower.

(e) Public art.

(f) On-site transportation amenities, including transit stops coordinated with Kenosha Transit.

c. Additional Standards for Elderly and/or Handicapped Multi-Family Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities in the B-4 District.

(1) Building Plan shall also indicate any planned additions and proposed dates and handicap and emergency access and exit.

(2) Operational Plan shall also include:

(a) Proposed operation and supervision, including the type of services and programs offered, security provided, and emergency response system.

(b) Management and operational control.

(c) Number of employees.

(3) Accessibility: Coordination and Safety. The site shall be designed for safe circulation and access of vehicular and pedestrian traffic. Pedestrian paths shall be installed throughout the site to public transit facilities and adjacent sites providing services to the development. The Americans With Disabilities Act Accessibility Guidelines for buildings and facilities shall be adopted by reference as the minimum standard, unless otherwise noted.

(4) Accessibility: Pedestrian.

(a) Walkways shall be a minimum of five (5') feet in width.

(b) Pathways and steps shall be non-slip and non-glare with good drainage.

(c) Site's slope shall be limited to an average of five (5%) percent.

(d) Ramps and stairs shall be provided when grade changes exceed five (5%) percent.

(e) Major on-site route shall be limited to a five (5%) percent slope; building entries two and one-half (2.5%) percent with no steps; and other pedestrian routes to an average of six (6%) percent or ten (10%) percent for a maximum of seventy-five (75') feet.

(f) Ramps, in addition to a nonslip surface, shall also inclulde raised markings to alert the visually impaired.

(5) Parking Plan shall also include:

(a) A parking area located close to the building entry, well lighted, and equipped with adequate curbcuts/ramps.

(b) A convenient covered dropoff zone for the main entrance which shall be located out of the traffic flow.

(c) The slope of the site's parking area shall not exceed five (5%) percent.

(6) Community Facilities.

(a) Community facilities consisting of a T.V. room or multipurpose room shall be provided in all developments. Developments which do not provide a kitchen or kitchenette in each dwelling unit shall also be required to provide a common dining facility. The dining facility, if required, shall be operated so as to provide no less than one (1) meal to all residents each day. The following facilities may also be provided: game room, craft room, music room, library and/or exercise room.

(b) Such facilities shall be provided at the ratio of at least fifteen (15) square feet per bedroom or seven and one-half (7.5) square feet per bed, whichever is greater.

(7) Compliance With All Applicable State and Local Housing, Building and Fire Codes. Assisted living facilities shall also be in compliance with Chapter HFS-89, Wisconsin Administrative Code, Chapter 50, Wisconsin Statutes, and all other applicable regulations of the Wisconsin Department of Health and Family Services (DHFS), and other State agencies having jurisdiction thereover.

d. Additional Standards For Multi-Family Developments in the B-4 District. An Operational Plan shall be submitted, which includes:

(1) Construction commencement and completion dates.

(2) Management or operational control.

(3) Deed restrictions.

(4) Bylaws or property owners' association Articles of Incorporation.

22. Large Scale Commercial Development in the B-2, B-3 and B-4 Districts. Unless otherwise approved by the Review Authority, Large Scale Commercial Development shall comply with the following additional requirements:

a. Location. One of the following criteria shall be met:

(1) The property is located west of the centerline of State Trunk Highway 31 (STH "31")(Green Bay Road); or,

(2) The property abuts the east right-of-way line of State Trunk Highway 31 (STH "31")(Green Bay Road); or,

(3) The property is located east of the centerline of (STH "31")(Green Bay Road), and has an existing building of one hundred thousand (100,000) square feet or greater, or a group of buildings with a total square footage of two hundred thousand (200,000) square feet or greater. New development shall only occur on the site if one of the following occurs:

(a) Existing buildings on the site are razed. New buildings shall not exceed the total square footage of razed buildings; or,

(b) Platted lots may be developed or redeveloped with a freestanding building provided the new building or addition does not exceed one hundred thousand (100,000) square feet, and the total square footage of all buildings within the site do not exceed two hundred thousand (200,000) square feet. If the combined total building square footage on an outlot is less than ten thousand (10,000) square feet, the square footage shall not be counted towards the two hundred thousand (200,000) square foot building site limit.

b. Building, Site, Drainage, Landscape and Utility Plans shall comply with all City and State

Ordinances, laws, rules and regulations.

c. Development shall comply with all respects to any adopted Master Plan, Comprehensive Plan or Neighborhood Building Plan applicable to subject property.

d. Design and Site Layout additional standards as defined in **Sections 4.0** and **14.0** of the City Zoning Ordinance, and comply with the following standards, whichever is more restrictive:

(1) Building Requirements. Articulation consisting of recesses and/or projections shall be of at least a minimum depth and/or project six (6') feet and constitute a minimum of twenty (20%) percent of the structure's facades. In no event shall an uninterrupted facade extend more than one hundred (100') feet.

(2) Site Requirements. No more than seventy-five (75%) percent of the parking can be located between the front facade and the primary street. Pedestrian walkways from sidewalks to entrances and adjacent to buildings shall be provided.

(3) Compliance with **Section 4.06 B.14.** of the Zoning Ordinance for properties zoned B-2 and B-3.

(4) Compliance with **Section 4.06 B.21.** of the Zoning Ordinance for properties zoned B-4.

e. Operational Plan:

(1) Provide copies of any restrictive covenants regulating development, design, open space management or site maintenance.

(2) Capital cost summary, include total estimated value of the completed development (buildings, site improvements, landscaping and special features); expected date of commencement of the development of the site, including a statement outlining the amount of construction which constitutes "commencement of physical development of the site" (as mutually agreed upon by the petitioner and Review Authority); and a written construction schedule which details construction and development staging.

(3) Shopping cart management shall include, but not be limited to:

(a) installation of adequate parking lot cart corrals;

(b) retrieval of off-premise shopping carts on a daily basis;

(c) placement of loose on-premises shopping carts in car corrals at least every four (4) hours during hours open for business; and,

(d) movement of all carts into the store from the parking lot corrals at closing time.

For stores open on a 24 hour basis, all carts shall be brought into the store at eight (8) hour intervals.

f. Parking, Loading and Traffic Plan showing:

(1) Location, arrangement and dimensions of all parking spaces, aisles and drives.

(2) Truck loading spaces and docks.

(3) Number of parking spaces provided per 1,000 square feet of GLA and the number of loading spaces provided per gross floor area.

(4) Traffic circulation and control patterns within the site.

g. Access and Traffic Control as reviewed and approved by the City Traffic Engineer shall meet the following requirements:

(1) Driveway approaches and access points shall meet the applicable provisions of **§5.085**, "Driveway Approaches", of the City Code of General Ordinances.

(2) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using any portion of the street right-of-way.

(3) Driveway locations for loading and unloading activities shall not hinder vehicle ingress or egress.

(4) Provisions for internal circulation between adjacent parcels should be provided through coordinated or joint parking and traffic systems, or other methods approved by the City Traffic Engineer.

h. Off-street Parking Facilities as reviewed and approved by the City Traffic Engineer and Review Authority shall meet the requirements of **§6.01** of the Zoning Ordinance and the design standards of **§5.8,** "Parking Facilities", of the City Code of General Ordinances.

i. Off-street Loading Facilities as reviewed and approved by the Review Authority shall meet the requirements of **§6.02** of the Zoning Ordinance and applicable design standards of **§5.085**, "Driveway Approaches", of the City Code of General Ordinances, and in addition:

(1) The design of loading facilities shall not hinder any part of the internal traffic system for moving

vehicular traffic.

(2) Loading facilities shall be clearly marked.

(3) The Review Authority may require loading facilities to be screened as outlined in **§4.05 E. 2.** of the Zoning Ordinance.

(4) Buildings less than 7,000 square feet do not have to provide a loading space.

j. Exterior Lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or create a traffic hazard. No flashing lights within 150 feet of a residential district.

k. Hours of Operation. Applicant shall indicate the hours of operation for the development. The Review Authority may, at its discretion, establish limits on the hours of operation which are compatible with site location, adjacent uses and the overall impact of the development.

m. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

23. Convenient Cash Business in the B-2 District.

a. Intent and Purpose. The City of Kenosha is experiencing a substantial increase in the number and location of Convenient Cash Businesses. The proliferation of these businesses may undermine the economic health and stability of the community due to their practice of targeting persons in vulnerable economic circumstances. Furthermore, the clustering of these businesses creates an undesirable image of the vitality of the commercial districts and the community as a whole. Finally, extensive hours of operation can result in negative impacts to the adjacent and surrounding residential areas where such business may be located.

b. Location. A Convenient Cash Business, as defined, shall only be located in compliance with the following criteria:

(1) No Convenient Cash Business shall be located within five hundred (500') feet of any residentially zoned property.

(2) No Convenient Cash Business shall be located within two thousand six hundred forty (2,640') feet of another Convenient Cash Business.

c. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closet point of the structure proposed for occupancy by the Convenient Cash Business to the nearest point of the parcel of property or zoning district boundary from which the proposed land is to be separated.

d. Hours of Operation. No Convenient Cash Business may be open between the hours of 7:00 P.M. and 8:00 A.M.

e. Other Issues which may have adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

C. MANUFACTURING CONDITIONAL USES

1. Manufacturing Uses (not including salvage dealers, shops or yards, or storage yards for a contractor, which have separate conditional use submittals).

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout of building(s) including size and layout of rooms.

(2) Design and architecture.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Legal description of property.

(2) Location and "footprint" of building(s) and structure(s).

(3) Locations of existing and proposed streets, drives, alleys, easements, right-of-ways, parking as required, vehicular and pedestrian access points and sidewalks.

(4) Outline of any development stages.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points and wet areas, with any previous flood elevations.

(2) Floodplain boundaries, if applicable.

(3) Soil characteristics where applicable.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance, plus:

(1) Existing trees and landforms.

(2) Location, extent, and type of all proposed plantings.

(3) Location, height, opaque characteristics and type of any required screening.

e. Utility Plan as required by **§4.05 E.** of the Zoning Ordinance, plus:

(1) Location of all utilities, storm and sanitary sewers, water mains, electrical, natural gas and communication (cable television, telephone, etc.) lines.

(2) Exterior lighting for parking and other outdoor areas, outdoor signs and building exteriors.

(3) Location of waste and trash collection and indicate plans for snow removal.

f. Operational Plan which describes:

(1) General manufacturing or industrial process(es).

(2) Special handling procedures, including waste disposal.

(3) Outdoor storage.

(4) Hours of operation.

g. Air Pollution. No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such quantities as to cause soiling or danger to the health of person, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than number two on the Ringleman Chart as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

h. Fire and Explosive Hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices in conformance with Wisconsin Administrative Codes and standards of the National Fire Protection Association. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Flash Point (Closed Cup)	**Gallons**
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

i. The Kenosha Fire Department may inspect premises without delay, during reasonable hours with the authority for the Fire Chief to act accordingly if life threatening circumstances exist.

j. Glare and heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principle use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exterior lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the use being illuminated.

k. Water Pollution. No activity shall locate, store, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash into surface or subsurface water so as to exceed or contribute toward the exceeding of the minimum standards set forth in Chapter NR 102 "Water Quality Standards for Wisconsin Surface Waters" and Chapters NR 200 through 299 "Wisconsin Pollutant Discharge

Elimination System" of the Wisconsin Administrative Code.

l. Noise. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

m. Odors. No activity shall emit odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

n. Radioactivity, electrical or other disturbances. No activity shall emit radioactive, electrical or other disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

o. Hazardous Waste. Any activity defined by NR 181 Wisconsin Administrative Code as constituting the generation, transportation, storage, treatment or disposal of hazardous waste, shall meet the standards and licensing provisions of Chapter NR 181 "Hazardous Waste Management" of the Wisconsin Administrative Code.

p. Other Federal, State and Local Standards. Notwithstanding, all other applicable Federal, State and local standards and regulations shall be complied with, including any applicable State Statute or Wisconsin Administrative Code regulations or any chapter of the City Code of General Ordinances.

q. Measurement. The determination of the existence of any dangerous, injurious, noxious or otherwise objectionable condition shall be measured:

(1) As determined in the Wisconsin Administrative Code for air and water pollution or for odors.

(2) As determined in the City Code of General Ordinances for noise.

(3) The point or points where such conditions shall be most apparent for fire and explosive hazards or for radioactive and electrical disturbances.

(4) The property lines of the use creating such conditions for glare and heat.

r. The Council may establish special requirements when the use is adjacent to other land uses which could be adversely affected, especially adjacent residential uses, to mitigate potential conflicts or negative impacts. Special requirements may be, but are not limited to, additional fencing, screening or landscaping, operation restrictions or requirements, building or equipment location and storage specifications.

s. Other uses which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

2. Airports and Heliports in the M-1 and M-2 Districts.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) Location of all buildings and structures, including any development staging.

(2) Required height restrictions both on and near the facility.

b. **Site Plan** as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Airport or heliport layout plan detailing runways, landing access, taxiways, aprons, parking areas and access roads.

(2) Land requirements for the facility.

(3) Required clear zone, avigation and noise easements.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which details:

(1) Airport or heliport classification.

(2) Forecasted aviation demand, based aircraft, annual and average daily operations.

(3) Hours of operation.

(4) Aviational aids and landing systems.

(5) Crash, fire and rescue plans.

(6) Air freight services.

(7) Management.

g. Environmental Impact Statement:

(1) Delineate all noise contour areas (based on projections of aircraft operations to a 20 year future.)

(2) Land use compatibility plans for noise impacted areas, including existing land uses and zoning.

(3) Runway and other lighting impacts from the facility.

(4) Air and water quality impacts including aircraft fuel emissions.

(5) Construction impacts.

(6) Prime farmland impacts.

(7) Other applicable social, economic and environmental impacts.

h. Federal Aviation Administration (FAA) and Wisconsin Bureau of Aeronautics (BOA) approval of all plans and environmental impact statements.

i. Facility should have adequate land area and easements to assure safe operation.

j. Facility should have adequate plans for emergency crash, fire and rescue services.

k. The noise impacted area should not exceed FAA standards or policies on airport and heliport land use compatibility.

l. Facility should have adequate plans for restricting buildings and structures to assure safe aerial approaches.

m. Other issues or concerns which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

3. Storage Yard for a Contractor in the M-1 and M-2 Districts.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Location and height of all storage areas including vehicles, equipment, building materials, metals, sand, gravel and scrap storage.

(2) Internal roads and paths for vehicular use.

(3) Outdoor signs including any mounted or painted on fences.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which shows:

(1) Types of equipment and materials which will be used and stored.

(2) How often trash and unusable materials will be picked up.

(3) Methods to be used to control noise, dust and windblown materials and maintain fire protection.

(4) Hours and days of operation.

g. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

h. No activity shall emit odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause spoiling or danger to the health of persons, animals, vegetation or other property, all as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

i. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash into surface or subsurface waters so as to exceed or contribute toward the exceeding of the minimum standards set forth in Chapter NR 102 "Water Quality Standards for Wisconsin Surface Waters" and Chapters NR 200 through 299 "Wisconsin Pollutant Discharge Elimination System" of the Wisconsin Administrative Code.

j. The storage yard shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the storage yard warrant such additional screening or landscaping.

k. Exterior lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the storage yard.

l. No signage, other than one eight (8) square foot identification sign near each access gate, shall be mounted or painted on any required fence.

m. Any windblown material resulting from operation of the yard shall be collected daily and properly disposed.

n. The Commission may establish a time schedule for the completion of any site or building improvements, landscaping, screening, or other desired improvements required as part of an approved Conditional Use Permit. The Commission may establish height limits for the storage of building materials, metals, sand, gravel, scrap salvage or other raw materials.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

4. Aluminum Collection Center in the M-1 and M-2 Districts.

a. The standards outlined in **§4.06 B.8.** shall apply.

5. Recycling Collection Centers in the M-1 and M-2 Districts.

a. The standard outlined in **§4.06 B.9.** shall apply.

6. Golf Range, Batting Range, Batting Cage, or Golf and/or Batting Simulator in the M-1 or M-2 Districts.

a. Building Plan as required in Section 4.05 B. and Section 14 of this Ordinance.

b. Site Plan as required in Section 4.05 C. and Section 14 of this Ordinance, plus:

(1) Indicate the location of any off-street parking spaces dedicated to the use per Section 6.0 of the Zoning Ordinance.

c. Drainage Plan as required in Section 4.05 D. and Section 14 of the Zoning Ordinance.

d. Landscape Plan as required in Section 4.05 E. and Section 14.08 H.

e. Utility Plan as required in Section 4.05 F. and Section 14 of the City of Kenosha Zoning Ordinance.

f. Operational Plan, which includes:

(1) Name and address of facility operator;

(2) Facility maintenance detail; and,

(3) Hours of operation.

g. One or more of the plans identified hereinabove may be waived at the discretion of the Reviewing Authority.

h. The conditional use permit shall require and the conditional use shall comply with the following:

(1) The use shall be located wholly within an enclosed building;

(2) The use shall be secondary to the primary use, and;

(3) The use shall comprise less than fifty (50%) percent of the gross square footage of the building in which it is located.

(4) Requirement imposed by the Common Council in the conditional use permit that addresses issues that may have an adverse social, economic or environmental impact or that may affect the health, safety or welfare of abutting or neighboring properties of the City as a whole.

D. INSTITUTIONAL AND OTHER CONDITIONAL USES

1. Uses and Structures in a Floodway (FW) District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) When permitted, proposed structures shall include a plan indicating how the structure will be floodproofed and constructed so as to not catch or collect debris nor be damaged by floodwaters.

(2) This plan shall be certified by a registered professional engineer that the floodproofing measures

are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood.

(3) Plans for municipal water supply and sanitary sewerage systems shall indicate that the system is floodproofed to an elevation at least two (2') feet above the elevation of the regional flood and is designed to eliminate or minimize the infiltration of floodwater into the system.

b. **Site Plan** as required by **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations.

(2) Floodplain boundaries.

(3) Soil characteristics.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention area.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan:

(1) Show that the use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters.

(2) Include a copy(ies) of any required water use permit pursuant to Chapter 30 of the Wisconsin Statutes or wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act.

g. Compliance with **§3.20** of the Zoning Ordinance.

h. Any use requiring a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act shall secure said permit prior to approval of the Conditional Use Permit.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

2. Structures and Uses in the FFO District.

a. The standards in **§4.06 A.5.** shall apply.

3. Arena, Auditorium, Exhibition Hall and Stadium in the I-P Institutional Park District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance.

b. **Site Plan** as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) The site shall have direct access to a Federal, State or County highway or designated City arterial street.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which:

(1) Includes a report setting forth the proposed operation and use of the facility including vehicular and pedestrian access points, traffic controls, parking plans, types of events planned, scheduling plans of events, capacity for each type of event or activity, fire protection plans, evacuation procedures, emergency vehicle access and exterior lighting and signage.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

4. Community Living Arrangements in the I-P District.

a. The standards outlined in **§4.06 A.1**. shall apply.

5. Conference Center Uses in the I-P Institutional Park District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:
(1) Main building design including layout and elevations.
(2) General layout of conference facilities.
(3) Size and extent of bed and breakfast establishment, if applicable.
b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:
(1) Off-street parking and traffic circulation including emergency vehicle access.
(2) Design of any outdoor conference facilities such as stages or outdoor eating areas.
(3) Sidewalks and pedestrian access.
(4) Exterior and building signage.
c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.
d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.
e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:
(1) Location of all exterior lighting.
f. Operational Plan which describes:
(1) Type and extent of conference activities.
(2) Hours, days and months of operation.
(3) Capacity of center (maximum number of persons) and average size and number of conferences per year.
(4) Extent of bed and breakfast establishment, if applicable, to center.
(5) Food and beverage service accessory
g. Off-street parking facilities shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance.
h. Compliance with Wisconsin Administrative Code, Chapter HSS 197, "Bed and Breakfast Establishments", if applicable.
i. Compliance with City Code of General Ordinances, Chapter IV, "Health" (more particularly §4.06 "Regulations of Food and Drinking Establishments and Food Handlers").
j. Compliance with City Code of General Ordinances, Chapter X, "Liquor and Beer".
k. Compliance with all local, State, and Federal building codes applicable to structure and use.
l. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

6. Penal, Disciplinary, Mental Health and Reform Institutions in the I-P Institutional Park District.
a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance.
b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:
(1) Land acquisition needs.
(2) Type and location of all fencing.
(3) Direction and intensity of all exterior lighting.
c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.
d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.
e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:
(1) Water and sewer requirements.
(2) Per day and peak hour gas, electric, and other utility requirements.
(3) Solid waste disposal system.
f. Operational Plan which describes:
(1) Type and security classification (maximum, medium or minimum) of the facility.
(2) Bed or inmate capacity.
(3) Number of employees, including peak shift, number full-time, number part-time and on-site employee housing.
(4) Number of anticipated visitors, including on-site visitor housing.

(5) Security plans, including lighting, fencing, towers, barriers, electronic monitors and security personnel.

(6) Medical and health facilities plans.

(7) Emergency and inmate evacuation

g. Exterior lighting shall meet the following requirements:

(1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate any residential or business district.

(2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(3) When within 2,500 feet of a residential or business district, as measured along or across any street, such lighting shall be constant and not flashing, intermittent or animated in any way.

h. Traffic Circulation Plan:

(1) Include calculations of anticipated vehicle trips per day generated by the facility, including peak day, peak morning hour and peak afternoon hour.

(2) Describe access to facility and any internal road system.

i. Environmental Impact Statement (for maximum and medium security penal institutions and other institutions determined by the Wisconsin DHSS or as required under State law).

(1) Include an impact statement determining the social, economic, and environmental impact of the facility on the community including, but not limited to, social; induced socioeconomic; air quality; water quality; historic, archeological and cultural resources; biotic and wildlife communities; loss of prime farmland; wetland and floodplain areas; exterior lighting emissions; solid waste; construction; and community infrastructure and utility support impacts.

j. Environmental Assessment (for other institutions).

(1) Include a statement determining the environmental and socioeconomic affect the facility will have on the community including, but not limited to, air quality; water quality; land use; historic properties; exterior lighting emissions; community infrastructure and utility supports; and socioeconomic (if related to any of the foregoing elements).

k. The facility shall meet all applicable Federal, State and local regulations, requirements and licenses.

l. In the case of maximum or medium security penal institutions, the site shall be a minimum 50 acres. In the case of minimum security penal institutions, mental institutions, and juvenile correctional institutions, the site shall be a minimum 3 acres.

m. The site shall have soils suitable for all proposed buildings and structures and the site shall drain properly.

n. The site shall not have any heavily wooded areas, ponding areas or steep slopes, unless these areas are adequately secured from the public and individuals within the facility.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

7. Rental or Lease of Pier or Dock Space to Boat Owners and Operators in the Rg-2, Rm-1, Rm-2, and I-P Districts.

a. Building Plan as required by **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance.

(1) Location of pier or dock, including water depths, water, sewer and electrical hookups, including routes thereto; storage sheds and any other accessory structure(s); and exterior lighting.

(2) Vehicular access to the site, (i.e. streets, driveways, easements or right-of-ways.

(3) Off-street parking for automobiles, boats and trailers.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which describes:

(1) Use arrangement, (i.e. rental or lease).
(2) Management plan for the supervision, maintenance and repair of the pier or dock space.
(3) Hours, days and months of operation.
(4) Plans for waste and trash storage and removal.
(5) Plans for emergency access and rescue.
(6) Dredging plans if dredging is required.

g. Water, sewer and electrical hookups, pursuant to proper permit and in compliance with City Ordinances and State Statutes.

h. No sale of boats, food, beverages, goods, merchandise, or personal property.

i. No building, repair or restoration work is permitted on any boat.

j. No commercial signs. (A maximum of one 8 square foot sign is permitted solely pertaining to the lease or rental of pier or dock space .)

k. Compliance with the rules and regulations of the Harbor Commission. Dredging must be approved, in advance, by the Common Council and by any other body having jurisdiction thereof.

l. Piers or docks shall not interfere with or obstruct navigable waters and shall not create a public nuisance.

m. Compliance with §30, Wisconsin Statutes.

n. Piers or dock not to exceed pierhead line established by the City.

o. No storage or sale of gas, oil, fuel, or inflammables.

p. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

8. Airstrips, Landing Fields, and Hangars for Personal or Agricultural Related Uses in the A-1 and A-2 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. **Landscape Plan** as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. The parcel shall be a minimum of 35 acres and the petitioner shall meet all Federal aviation and Wisconsin Department of Transportation standards required by other Federal and/or State agency retaining jurisdiction over such airstrip and landing fields.

g. Any building, hangar or other structure shall be at least 100 feet from any street or boundary line.

h. Any proposed runway or landing strip shall be situated so that the approach zones are free of any flight obstructions such as towers, chimneys, other tall structures or natural obstructions outside the airport site.

i. There shall be sufficient distance between the end of each usable landing strip to satisfy the requirements of the aforementioned agencies, and no landing strip shall be within 200 feet of any property line. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.

j. Airstrips and landing fields in the A-1 and A-2 districts are intended only for the use of the property owner and/or emergency landings. No commercial operation shall be permitted with the exception of crop dusting.

k. Storage of any combustible fuels shall be in accordance with any State and Federal regulations and due consideration shall be given so as to insure safe storage of such fuels.

l. Special consideration shall be given to the installation of equipment normally associated with the use of airplanes such as proper ground markings and lighting, wind direction signals, fire fighting extinguishers, radio communications equipment, and tie-down spaces.

m. No more than two (2) planes shall be housed on the premises except for the case of airports in the I-P District.

n. No Conditional Use Permit shall be given unless all necessary Federal and State permits have been placed on file with the Department of Department of Community Development and Inspections.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

9. Wind Energy Conversion Systems Commonly Called "Windmills" in the RR-1, A-1, A-2, and C-2 Districts.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance, plus:

(1) Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot in area.

b. **Site Plan** as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The site shall be a minimum of five (5) acres.

(2) Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in §4.05 E. of the Zoning Ordinance, plus:

(1) All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:

(1) The appropriate electric power company shall be notified in writing of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a Conditional Use Permit.

(2) Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy that would cause any harmful interference with radio and/or television broadcasting reception. In the event that harmful interference is caused subsequent to the granting of a Conditional Use Permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

f. The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a db(A) scale, measured at the lot line.

g. Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Ordinance, however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restriction imposed shall be included as a part of the wind energy conversion system Conditional Use Permit application.

h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

10. Shelter Facility in the I-P District.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Name and address of facility operator.
(2) Proposed operation and supervision including the types of programs and services to be offered.
(3) Number of employees.
(4) Proposed maximum bed capacity.
g. The facility shall meet all applicable Federal, State and local regulations, requirements and licenses.
h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the city as a whole.

11. Utility Substations in any District.
a. Building Plan as required in **§4.05 B.** of this Ordinance.
b. Site Plan as required in **§4.05 C.** of this Ordinance.
c. Drainage Plan as required in **§4.05 D.** of this Ordinance.
d. Landscape Plan as required in **§4.05 E.** of this Ordinance,
(1) Utility substation structure(s) must be effectively screened from adjacent properties and street frontages.
e. Utility Plan as required in **§4.05 F.** of this Ordinance.
f. Operational Plan, which includes:
(1) Name and address of the facility operator.
(2) Facility maintenance detail.
g. The facility shall meet all applicable Federal, State and local regulations, licenses and permitting requirements.
h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

12. Financial Institutions, Including Related Drive-thru Facilities, in the IP District.
a. Building Plan as required in **Section 4.05 B.** of the Zoning Ordinance.
b. Site Plan as required in **Section 4.05 C.** of the Zoning Ordinance.
c. Drainage Plan as required in **Section 4.06 D.** of the Zoning Ordinance.
d. Landscape Plan as required in **Section 4.06 E.** of the Zoning Ordinance.
e. Utility Plan as required in **Section 4.06 F.** of the Zoning Ordinance.
f. Parking and Traffic Circulation Plan, including service window requirements, in compliance with **Section 4.06 B.** of the Zoning Ordinance.
g. Other issues which may have an adverse social, economic, or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

13. Communication Towers, Radio/Television/Relay Towers and Antennas in The B-2, B-3, M-1, M-2, IP, A-1 and A-2 Districts. The Co-Location of Antennas is preferred. Accordingly, if the applicant proposes a new Communication Tower installation, they shall demonstrate, to the reasonable satisfaction of the Review Authority, that no existing Tower or Alternative Tower Structure can accommodate their proposed Antenna. Upon a showing by the applicant that the following circumstances exist, the applicant shall be deemed to have satisfactorily demonstrated the need for a new Communication Tower. In evaluating such circumstances, the Review Authority may employ the services of a consulting expert, the expense for which shall be reimbursed by the applicant as an administrative cost of processing the application and will present this report to the Alderman of the District and any Board, Authority or Commission having control of a City-owned site located within five hundred (500') feet of the proposed new Communication Tower installation.
(1) No Alternative Tower Structure is available to accommodate Co-Location.
(2) Existing Alternative Tower Structures are not of sufficient height or otherwise fail to meet engineering requirements for coverage and capacity needs as provided for in the 1996 Telecommunications Act and subsequent case law interpreting the act.
(3) The proposed Antenna would cause interference with another Antenna located on an Alternative

Tower Structure.

(4) A City-owned Site is not available for a Co-Location or new Communication Tower.

a. Building Plan as required in **Section 4.05 B.** and **Section 14** of this Ordinance, including Communication Tower, Radio/Television/Relay Tower and adjoining service buildings.

(1) Communication Towers, Radio/Television/Relay Towers shall have Stealth Design when required by the Review Authority. If Stealth Design is not required, a Monopole rather than Lattice Tower shall be required for towers under one hundred fifty (150') feet in height.

(2) Equipment facilities and/or accessory buildings shall be designed with materials in conformance with **Section 14.07 B.10.a.** of this Ordinance, and all equipment facilities and accessory buildings on a site shall be designed with compatible materials. All Co-Locators are encouraged, but not required, to be housed within a common building. Equipment facilities and accessory buildings in existence prior to January 1, 2005, are exempt from the requirements of this Section.

(3) Equipment areas that are fenced shall be fenced with a six (6') foot fence constructed as determined by the Review Authority.

b. Site Plan as required in **Section 4.05 C.** and **Section 14** of this Ordinance, plus:

(1) Location and footprint of all building(s) and structure(s) for entire parcel, including existing buildings, existing structures and tower setbacks from lot lines, street right-of-ways, and existing buildings.

(2) The location of all existing off-street parking spaces. All parking spaces shall be paved with asphaltic concrete or Portland cement concrete.

(3) Access easements, if applicable. All access easements shall be a minimum of eighteen (18') feet wide and shall be paved.

(4) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular Tower.

(5) The use of any portion of a Tower for signs other than warning or equipment information signs is prohibited.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** and **Section 14.08 H.,** Commercial Site Landscaping Requirements of the Zoning Ordinance. Antennas that are installed on existing Alternative Tower Structures, shall, at a minimum, provide a five (5') foot wide landscape area around the service building. All other landscaping requirements may be waived for existing Towers or Antennas installed on existing buildings or other structures.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the City of Kenosha Zoning Ordinance.

f. Operation Plan, which includes:

(1) Name and address of facility operator.

(2) Facility maintenance detail.

(3) A narrative and map description of the applicant's system-wide plan describing existing and applied for facilities to serve the community. The system-wide plan shall extend for a distance of a minimum of one (1) mile beyond the municipal boundary of the City.

g. Yard Requirements For Communication Towers.

(1) Front Yard. There shall be a minimum front yard of one hundred (100') feet, measured from the front lot line, or from the setback of any major street.

(2) Side Yards.

(a) Interior Side Yard. There shall be a minimum interior side yard of twenty-five (25') feet. Where a side lot line abuts a residential district, there shall be an interior side yard of not less than one hundred (100') feet, measured from the base of the Tower or any support wires to the lot line. Corner lots shall have one (1) street side yard and one (1) interior side yard.

(b) Street Side Yard. There shall be a minimum street side yard of twenty-five (25') feet, measured from the street side lot line, or from the setback of any major street to the base of the Tower or any support

wires. Corner lots shall have one (1) street side yard and one (1) interior side yard.

(3) Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet. Where a rear lot line abuts a residential district, there shall be a rear yard of not less than one hundred (100') feet measured from the base of the Tower or any support wires to the rear lot line.

(4) Spacing From Buildings. New Communication Towers, except for those indicated in **Section 4.06 D.13.g.(5)**, shall in no case be permitted to be erected or constructed within one hundred (100') feet of any existing occupiable buildings.

(5) New Communication Towers Utilizing Stealth Design. New Communication Towers utilizing Stealth Design, which do not meet the yard requirements or spacing requirements of **Sections 4.06 D.13.g.(1)** through **(4)** may be constructed when so authorized by the Common Council. All equipment facilities constructed under authorization of this Section shall be located underground or within the principal structure on the Site.

(6) Spacing Between Communication Towers. New Communication Towers shall in no case be permitted to be erected or constructed within a one thousand (1,000') foot radius of another Communication Tower, unless the Review Authority makes a determination that this requirement causes an unnecessary hardship. In evaluating such circumstances, the Review Authority may employ the services of a consulting expert, the expense for which shall be reimbursed by the applicant as an administrative cost of processing the application. This requirement is exempted for City-owned Sites.

h. Yard Requirements For Radio/Television/Relay Towers.

(1) Location From Property Line. All new Radio/Television/Relay Towers shall be located a minimum of two hundred (200') feet from any property line.

(2) Spacing From Buildings. New Radio/Television/Relay Towers shall not be permitted to be erected or constructed within two hundred (200') feet of any existing occupiable building(s).

(3) Spacing Between Radio/Television/Relay Towers. New Radio/Television/Relay Towers shall in no case be permitted to be erected or constructed within a two (2) mile radius of another Radio/ Television/Relay Tower.

i. Installation of Antennas on Alternative Tower Structures.

(1) New Antennas installed on Alternative Tower Structures shall be exempt from yard requirements and spacing requirements from existing buildings and other Communication Towers, Radio/Television/Relay Towers.

(2) Applicants proposing to install Antennas on Alternative Tower Structures shall submit an engineering report detailing the feasibility of the Alternative Tower Structure to support the proposed Antenna(s) and any supporting equipment.

(3) All new Communication Towers and Radio/Television/Relay Towers shall be structurally and electrically designed to accommodate Co-Locations as listed below, unless credible evidence is presented that said construction is economically and technologically unfeasible:

(a) Between 50 and 100 feet: one (1) primary Antenna and one (1) Co-Location.

(b) Greater than 100 feet to 125 feet: one (1) primary Antenna and two (2) Co-Locations.

(c) Greater than 125 feet to 150 feet: one (1) primary Antenna and three (3) Co-Locations.

(d) Greater than 150 feet: one (1) primary Antenna and four (4) Co-Locations.

j. Removal of Abandoned Antennas and Towers. Any Antenna or Tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such Antenna or Tower shall remove same within ninety (90) days of receipt of notice from the City of Kenosha notifying the owner of such abandonment. If such Antenna or Tower is not removed within said ninety (90) days, the City of Kenosha may remove such Antenna or Tower at the owner's expense. All physical and administrative costs incurred with the removal of the Antenna or Tower shall be assessed against the property in the form of a special tax assessment. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

k. Leased Sites. With respect to leased land, the facility operator shall inform the property owner that the real property upon which a Communication Tower or Antenna is located may be charged a special assessment to cover the cost of removal if the Communication Tower or Antenna is not removed after the

termination of operations. Verification of such notice to the owners shall be in the form of a letter to be filed in the office of the Department of Department of Community Development and Inspections.

l. The facility shall meet all applicable Federal, State and local regulations, licenses and permitting requirements.

m. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

14. Institutional Development in the HRPO District:

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Development standards of the Harborpark Development Code required in **Section 3.29** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

15. Development in the Institutional Park (IP) District Consisting of Two (2) or More Buildings on a Single Parcel or Group of Contiguous Parcels, or a Single Building With a Floor Area of Twenty Thousand (20,000) Square Feet or Greater.

a. Building Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

f. Operational Plan.

(1) A copy of any restrictive covenants shall be provided.

(2) Hours of operation shall be indicated.

g. Other issues which may have an adverse impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

16. Off-Premise Signs in the B-2, M-1 or M-2 Districts:

a. Building Plan as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.

b. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance.

c. Drainage Plan as required in Sections 4.05 D. and 14.07 E. of the Zoning Ordinance.

d. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.

e. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.

f. Design Standards. Off-Premise signs shall comply with the design and dimensional standards of Section 15.15. H. of the Code of General Ordinances.

g. Exception. The Review Authority shall have the ability to waive the Height and Locational standards as listed in Section 15.15 H.5 and 15.15 H.7 of the Code of General Ordinances upon holding a Public Hearing. In determining whether or not to grant an exception to the Height standards, the Review Authority shall give consideration to the height of existing structures on the site. In determining whether or not to grant an exception to the Locational standards, the Review Authority shall consider such factors as sign face direction, lighting and setbacks of existing uses from the property lines.

h. Size. The Review Authority shall have the authority to approve any off-premise sign face larger than three hundred (300) square feet, but in no event larger than six hundred seventy-two (672) square feet upon holding a Public Hearing.

i. Digital Display Off-Premise Signs. The applicant shall hold a public informational meeting at a time and place to be determined by the Alderperson of the District in which the application has been submitted prior to any action occurring on the Conditional Use Permit. All property owners within 250 feet of the boundaries of the subject property, not including rights-of-way, shall be contacted with the meeting information. In addition to the public informational meeting, the following standards shall apply:

(1) Digital Display Off-Premise Signs shall comply with the illumination and performance criteria of Section 15.15 B.2. Of the Code of General Ordinances.

(2) The digital display shall be limited to the sign face only and shall not include any other part of the support structure.

(3) Movement, animation, audio speakers and all forms of pyrotechnics are prohibited.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

17. Medical Transportation Offices Used Exclusively for Arranging Transportation of Individuals To and From Health Care Providers as Defined in §146.81, Wisconsin Statutes but Excluding Taxicab Offices and Vehicle Maintenance Facilities.

a. Building Plan as required in Sections 4.05 B. and 14.07 B. of the Zoning Ordinance.

b. Site Plan as required in Sections 4.05 C. and 14.07 C. of the Zoning Ordinance to include:

(1) Existing buildings and proposed additions or new structures.

(2) Customer, employee and medical transportation vehicle parking areas.

(3) Existing and proposed screening and landscaping.

c. Drainage Plan as required in Sections 4.05 D. and 14.07 E. of the Zoning Ordinance.

d. Landscape Plan as required in Sections 4.05 E. and 14.07 F. of the Zoning Ordinance.

e. Utility Plan as required in Sections 4.05 F. and 14.07 D. of the Zoning Ordinance.

f. Operational Plan which includes:

(1) A summary of the business operation.

(2) Anticipated number of employees.

(3) Number and type of vehicles to be parked/stored on the premises.

(4) Hours of operation, which shall include detailed information on the number of hours per day vehicles will be parked on the premises.

g. Medical transportation vehicles shall not be parked on the premises, to the extent possible, in view from the public right-of-way, in a manner that will interfere with traffic circulation or in a manner that will interfere with other tenants or occupants of the premises. No repair or maintenance work on the medical transportation vehicles shall be permitted on the premises.

h. All storage of medical transportation vehicles which is adjacent to or across an alley from any residential district shall be contained within accessory outdoor storage areas effectively screened from the residential district, as required in §4.05 E.(2) of the Zoning Ordinance. The reviewing authority may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the use warrant such additional screening or landscaping.

i. Other issues which may have an adverse social, economic, or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole .

j. One or more of the plans identified above may be waived in the discretion of the reviewing authority.

18. Public Safety Communication Towers and Antennas in the B-2, M-1, M-2, and IP Districts.

a. Building Plan as required in **Section 4.05 B.** and **Section 14** of this Ordinance, including Communication Tower and adjoining service buildings.

(1) Public Safety Communication Towers shall be constructed as a Monopole rather than Lattice Tower for towers under one hundred fifty (150') feet in height. Towers over one hundred fifty (150') feet in height shall be constructed as a lattice tower. Guy wires are not permitted.

(2) Equipment facilities and/or accessory buildings shall be designed with materials in conformance with **Section 14.07 B.10.a.** of this Ordinance, and all equipment facilities and accessory buildings on a site shall be designed with compatible materials. All Co-Locators are encouraged, but not required, to be housed within a common building.

(3) Equipment areas that are fenced shall be fenced with a six (6') foot fence constructed as determined by the Review Authority.

b. Site Plan as required in **Section 4.05 C**. and **Section 14** of this Ordinance, plus:

(1) Location and footprint of all building(s) and structure(s) for entire parcel, including existing buildings, existing structures and tower setbacks from lot lines, street rights-of-way, and existing buildings.

(2) The location of all existing off-street parking spaces. All parking spaces shall be paved with asphaltic concrete or Portland cement concrete.

(3) Access easements, if applicable. All access easements shall be a minimum of eighteen (18') feet wide and shall be paved.

(4) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular Tower.

(5) The use of any portion of a Tower for signs other than warning or equipment information signs is prohibited.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E**. and **Section 14.08 H.**, Commercial Site Landscaping Requirements of the Zoning Ordinance. At a minimum, provide a five (5') foot wide landscape area around the service building.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the City of Kenosha Zoning Ordinance.

f. Operation Plan, which includes:

(1) Name and address of facility operator.

(2) Facility maintenance detail.

g. Yard Requirements For Public Safety Communication Towers.

(1) Front Yard. There shall be a minimum front yard of one hundred (100') feet, measured from the front lot line, or from the setback of any major street to the centerline of the tower.

(2) Street Side Yard. There shall be a minimum street side yard of one hundred (100') feet, measured from the street side lot line, or from the setback of any major street to the centerline of the tower.

(3) Interior Side Yard and Rear Yard. There shall be a minimum interior side yard and rear yard of twenty-five (25') feet measured to the centerline of the tower.

(4) Spacing From Residential Districts. Notwithstanding the setbacks noted above, new Public Safety Communication Towers, shall in no case be permitted to be erected or constructed within two hundred fifty (250') feet of any residential district.

h. Spacing From Buildings. New Public Safety Communication Towers shall not be permitted to be erected or constructed within two hundred (200') feet of any existing occupiable building(s).

i. Removal of Abandoned Antennas and Towers. Any Antenna or Tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such Antenna or Tower shall remove same within ninety (90) days of receipt of notice from the City of Kenosha notifying the owner of such abandonment. If such Antenna or Tower is not removed within said ninety (90) days, the City of Kenosha may remove such Antenna or Tower at the owner's expense. All physical and administrative costs incurred with the removal of the Antenna or Tower shall be assessed against the property in the form of a special tax assessment. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

j. Leased Sites. With respect to leased land, the facility operator shall inform the property owner that the real property upon which a Public Safety Communication Tower or Antenna is located may be charged a special assessment to cover the cost of removal if the Communication Tower or Antenna is not removed after the termination of operations. Verification of such notice to the owners shall be in the form of a letter to be

filed in the office of the Department of Community Development and Inspections.

k. The facility shall meet all applicable Federal, State and local regulations, licenses and permitting requirements.

l. Use of the Public Safety Communication Tower for the installation of any antennas or other communications device for commercial purposes including, but not limited to, cellular, telephone or other similar forms of electromagnetic communication is strictly prohibited.

m. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

E. All Conditional Use Permits. All applicants for Conditional Use Permits may be required to submit an Economic Impact Assessment, and/or a Traffic Impact Assessment.

1. Economic Impact Assessment. An Economic Impact Assessment shall be prepared by the Department of Department of Community Development and Inspections, or if required by the Department of Department of Community Development and Inspections, by an outside consulting expert, the expense for which shall be the responsibility of the applicant. The Economic Impact Assessment shall weigh the positive and negative impacts of the proposed development upon the City economy with due consideration of the following:

- Type of business/service proposed;
- Job retention and creation, including quantity and quality of jobs created;
- Tax base;
- Public costs and improvements;
- Environmental impacts;
- Community cohesion and stability;
- Property values;
- Community institutions and services;
- Utilities; and,
- Traffic and public safety.

The applicant, at any time in the application and review process, may submit their own Economic Impact Assessment, which shall be considered by the reviewing authority. The Department of Department of Community Development and Inspections may require the applicant to submit a professionally prepared Economic Impact Assessment.

2. Traffic Impact Assessment. A Traffic Impact Statement shall be prepared by the City Department of Public Works, or if required by the Department of Public Works, by an outside consulting expert, the expense for which shall be the responsibility of the applicant, which shall assess the impact of motor vehicle traffic generated by the proposed development on existing streets which will serve the proposed development, and which shall assess the need for new streets, parking facilities, and traffic control devices generated by the proposed development. The applicant, at any time in the application and review process, may submit their own Traffic Impact Assessment. The Department of Public Works may require the applicant to submit a professionally prepared Traffic Impact Assessment.

4.07 PUBLIC COSTS AND IMPROVEMENTS

The Reviewing Authority shall require, as a condition of the granting of a Conditional Use Permit, that the applicant pay for public costs and improvements, as determined by an Economic Impact Assessment and Traffic Impact Assessment, at the time of application for a Building Permit, which are generated by and uniquely attributable to the development.

SECTION 5.0
DESIGNATION OF MAJOR STREETS, ESTABLISHING BASE LINES AND ESTABLISHING SETBACK LINES

5.01 DESIGNATION OF MAJOR STREETS

A. Major Streets. The following streets or parts of streets in the City of Kenosha are hereby designated to be major streets:

1. Sheridan Road, from the most northern corporate limits of the City of Kenosha, to the most southern corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

2. 22nd Avenue, from the most northern corporate limits of the City of Kenosha, to the most southern corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

3. 27th Street, from the west line of 22nd Avenue to the east line of 30th Avenue.

4. 30th Avenue, from the most northern corporate limits of the City of Kenosha to the most southern corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

5. 35th Street, from the west line of 22nd Avenue to the east line of 30th Avenue.

6. 39th Avenue, from the most northern corporate limits of the City of Kenosha to the most southern corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

7. Roosevelt Road, from the south line of 63rd Street to the center line of 75th Street.

8. Washington Road, from the west line of 7th Avenue to the most western corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

9. 45th Street, from the west line of 22nd Avenue to the most western corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

10. 50th Street, from the west line of 7th Avenue to the east line of 30th Avenue.

11. 52nd Street, from the west line of 6th Avenue to the most western corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

12. 56th Street, from the west line of 8th Avenue to the east line of 22nd Avenue.

13. 60th Street, from the east line of Sheridan Road to the most western corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

14. 63rd Street, from the west line of Sheridan Road to the east line of 22nd Avenue.

15. 75th Street, from the west line of 3rd Avenue to the most western corporate limits of the City of Kenosha, insofar as it abuts or lies within such City limits.

16. State Highway Number 31, insofar as it abuts or lies within the corporate limits of the City of Kenosha.

B. Extensions of Major Streets Due to Annexations. Any major street, as designated under **§5.01 A.** of this Ordinance, shall be extended to include any continuation of such street or parts thereof which results from any annexations to or consolidation with the City subsequent to the effective date of this Ordinance and any continuation of such major street shall extend to any new corporate limits established by such annexation or consolidation.

5.02 ESTABLISHING BASE LINES

A. Base Lines. The base line on the major streets designated in **§5.01** of this Ordinance shall be as follows:

1. Sheridan Road, from the most northern end of the present street, insofar as it abuts or lies within the corporate limits of the City of Kenosha, to the center line of 48th Street, the base line shall be the present center line of said major street. From the center line of 48th Street to the south line of 50th Street, the base line shall be a straight line extending from a point where the center line of 48th Street intersects the center line of Sheridan Road, to a point on the south line of 50th Street, which is seven (7) feet east of the center line of Sheridan Road. From the south line of 50th Street, to the center line of 52nd Street, the base line shall be a straight line parallel to and forty (40) feet easterly (measured at right angles therefrom) of the present west line of Sheridan Road, said west line being as described in a deed from the Union Tanning Company to the City of Kenosha under date of March 31, 1925, and recorded in Volume 109 of Deeds, on pages 48, 49 and 50 in the office of the Register of Deeds of Kenosha County, Wisconsin. From 52nd Street to 59th Street, the base line shall be parallel to and forty (40) feet east of the present west line of Sheridan Road. From 59th Street to 83rd Street, the base line shall be the present center line of said major street. From 83rd Street to the most southern corporate limits of the City of Kenosha, insofar as Sheridan Road abuts or lies within such City limits, the base line shall be the center line of said major street, as established by the Wisconsin Department of Transportation, Division of Highways Plan approved January 20, 1978.

2. 22nd Avenue, from the most northern end of the present street, insofar as it abuts or lies within the corporate limits of the City of Kenosha, to the center line of 30th Street, the base line shall be the present center line of said major street. From 30th Street to 32nd Street, the base line shall be a straight line extending from the point of intersection of the present center line of 22nd Avenue with the center line of 30th Street and extending to the point of intersection of the present center line of 22nd Avenue and the present center line of 32nd Street. From 32nd Street to the center line of Washington Road, the base line shall be the present center line of said major street. From Washington Road to the north line of 41st Street, the base line shall be a straight line extending from the intersection of Washington Road with the center line of 22nd Avenue, to the point of intersection of the north line of 41st Street with the east line of the Southeast Quarter of Section 25, Town 2 North, Range 22 East of the Fourth Principal Meridian. From the north line of 41st Street to 45th Street (as laid out east of 22nd Avenue) the base line shall be the east line of said Section 25. From 45th Street to 51st Street, the base line shall be a straight line fourteen and one-half (14.5) feet east of and parallel to the west line of the Northwest Quarter of Section 31, Town 2 North, Range 23 East. From 51st Street to 52nd Street, the base line shall be a straight line extending from a point in the center line of 51st Street fourteen and one-half (14.5) feet east of the west line of the Northwest Quarter of said Section 31 to the point of intersection of the present west line of 22nd Avenue and the center line of 52nd Street, which point is also the southwest corner of the Northwest Quarter of said Section 31. From 52nd Street to 57th Street, the base line shall be the east line of the Southeast Quarter of Section 36, Town 2 North, Range 22 East. From 57th Street to 61st Street, the base line shall be a straight line extending from the point of intersection of the present center line of 57th Street with the east line of the Southeast Quarter of said Section 36 extending and running to a point in the center line of 61st Street, which point is fifty (50) feet east of the present west line of 22nd Avenue. From 61st Street to 63rd Place, the base line shall be a straight line fifty (50) feet east of and parallel to the present west line of 22nd Avenue. From 63rd Place to the present center

line of 64th Street, the base line shall be a straight line extending from a point forty (40) feet due east of the point of intersection of the west line of 22nd Avenue and the north line of Roosevelt Road and running to the point of intersection of the present center line of 22nd Avenue with the center line of 64th Street. From 64th Street to 75th Street, the base line shall be the present center line of said major street.

From 75th Street to the most southern corporate limits of the City of Kenosha, the base line shall be the east line of Sections 12 and 13, Town 1 North, Range 22 East.

3. 27th Street, from the west line of 22nd Avenue to the east line of 30th Avenue, the base line shall be the present center line of said major street.

4. 30th Avenue, from the most northern end of the present street, insofar as it abuts or lies within the corporate limits of the City of Kenosha, to the southeast corner of the Northwest Quarter of Section 13, Town 2 North, Range 22 East, the base line shall be the present center line of said major street. From the southeast corner of the Northwest Quarter of Section 13, Town 2 North, Range 22 East to the southeast corner of the Northwest Quarter of Section 25, Town 2 North, Range 22 East, the base line shall be the section line in said major street. The base line shall be a straight line extending from the southeast corner of the Northwest Quarter of Section 25, Town 2 North, Range 22 East, to a point where a line 318.8 feet south of the south line of 41st Street intersects a line twenty-six (26) feet east of the present west line of 30th Avenue. On a line parallel to the south line of 41st Street, 318.8 feet south of the south line of said street, the base line shall begin at a point three (3) feet east of the present center line of 30th Avenue and extend to a point where this line intersects the south line of the Northeast Quarter of Section 36, Town 2 North, Range 22 East (center line of 52nd Street). The base line from the south line of the Northeast Quarter of said Section 36 (center line of 52nd Street) shall be the present center line of 30th Avenue to a point where this line intersects the center line of Roosevelt Road. From the center line of Roosevelt Road to the center line of 80th Street, the base line shall be the section line in said major street. From the center line of 80th Street to the most southern corporate limits of the City of Kenosha, insofar as 30th Avenue abuts or lies within said corporate limits, the base line shall be the present center line of said major street.

5. 35th Street, from the west line of 22nd Avenue to the east line of 30th Avenue, the base line shall be the present centerline of said major street as laid out and dedicated to the public use.

6. 39th Avenue, from the most northern corporate limits of the City of Kenosha, insofar as it abuts or lies within said corporate limits, to Roosevelt Road the base line shall be the present center line of said major street. From Roosevelt Road to the most southern corporate limits of the City of Kenosha, insofar as 39th Avenue abuts or lies within said corporate limits, the base line shall be the section line in said major street.

7. Roosevelt Road, the base line shall be the present center line of said major street.

8. Washington Road, from the west line of 7th Avenue to the east line of the Southeast Quarter of Section 25, Town 2 North, Range 22 East, the base line shall be the present center line of said major street. Beginning at the intersection of the present center line of Washington Road and the east line of the Southeast Quarter of said Section 25, said point of beginning being 400.32 feet (S 2° 7' 39" E) from the northeast corner of said Quarter, the base line shall be (N 70°13' 29" W) along the said present center line of Washington Road, 557.94 feet, thence (N 72°08' 36" W) 506.91 feet to a point of curvature, thence northwesterly along the arc of a circular curve that is concave southwesterly 439.25 feet, said curve having a radius of 1,456.07 feet, a central angle of (17°17' 03") and a chord which bears (N 80°41' 07.5" W) a distance of 437.58 feet and to the East-West Quarter line of said Section 25; thence (N 89°25' 39" W) along said East-West Quarter line, 1,256.47 feet to the center of said Section 25, Town 2 North, Range 22 East; thence continuing along said East-West Quarter line to the most western corporate limits of the City of Kenosha, insofar as Washington Road abuts or lies within said corporate limits.

9. 45th Street, the base line shall be the Section line in said major street.

10. 50th Street, the base line shall be the present center line of the street.

11. 52nd Street, the base line shall be: from 6th Avenue to the center line of State Highway "31", the base line shall be the section line in said major street; from the center line of State Highway "31", to the center line of 88th Avenue, the base line shall be the present center line of said major street; from the center line of 88th Avenue to the most western end of the present street, the base line shall be the section line in said major street.

12. 56th Street, the base line shall be the center line of the original street.

13. 60th Street, the base line shall be the section line in said major street.

14. 63rd Street, the base line shall be the present center line of said major street.

15. 75th Street, the base line shall be the section line in said major street.

16. State Highway Number 31, the base line shall be the present center line of said major street.

B. Extensions of Base Lines on Major Streets Due to Annexations. The base lines on any major street, as designated under **§5.01 A.** of this Ordinance, shall be extended as described in **§5.02 A.** of this Ordinance, to include any continuation of such major street or parts thereof which results from any annexations to or consolidations with the City subsequent to the effective date of this Ordinance.

5.03 ESTABLISHING SETBACK LINES

A. Setbacks. On the major streets herein designated, the setback lines shall be as follows, measured from the base lines herein designated:

1. Sheridan Road, from the most northern corporate limits of the City of Kenosha south to 75th Street, the setback line shall be forty (40') feet. From 75th Street south to 83rd Street, the setback line shall be fifty (50) feet. From 83rd Street to 85th Street, the setback line shall be fifty (50') feet on the west side of the base line and on the east side, the setback line shall taper from fifty (50') feet east of the base line at 83rd Street to seventy (70') feet east of the base line at 85th Street. From 85th Street south to the most southern corporate limits of the City of Kenosha, the setback line shall be seventy (70') feet.

2. 22nd Avenue, from the most northern end of the present major street, insofar as it abuts or lies within the corporate limits of the City of Kenosha, to Washington Road, the setback line shall be forty (40') feet east and west from the base line. From Washington Road to the north line of 41st Street, the west setback line shall be a straight line beginning at a point forty (40') feet west of the base line at the intersection of the center line of Washington Road with said base line, extending to a point forty-five (45') feet west of the base line at the intersection of the north line of 41st Street with the base line of 22nd Avenue; and, the east setback line shall be a line beginning at a point forty (40') feet east of the base line at the intersection of the center line of Washington Road with the base line of 22nd Avenue, extending to a point thirty-five (35') feet east of the base line at the intersection of the north line of 41st Street with the base line of 22nd Avenue. From the north line of 41st Street to 45th Street, the west setback line shall be forty-five (45') feet west of the base line, and the east setback line shall be thirty-five (35') feet east of the base line. From 45th Street to 52nd Street the setback line shall be forty (40') feet east and west from the base line. From 52nd Street to 55th Street, the west setback line shall be twenty-five (25') feet west of the base line and the east setback line shall be forty (40') feet east of the base line. From 55th Street to the most southern corporate limits of the City of Kenosha, the

setback line shall be forty (40') feet east and west from the base line.

3. 27th Street, the setback line shall be thirty-three (33') feet from the base line.

4. 30th Avenue, from the most northern end of the present street, insofar as it abuts or lies within the corporate limits of the City of Kenosha, to the southeast corner of the Northwest Quarter of Section 25, Town 2 North, Range 22 East, the west setback line shall be forty (40') feet from the base line and the east setback line shall be fifty (50') feet from the base line. From the southeast corner of the Northwest Quarter of Section 25, Town 2 North, Range 22 East to a point 318.8 feet south of the south line of 41st Street the east and west setback lines shall be forty (40') feet from the base line. From a point 318.8 feet south of the south line of 41st Street to the north line of 60th Street, the west setback line shall be fifty (50') feet west of the base line and the east setback line shall be thirty (30') feet east of the base line. From the north line of 60th Street to the north line of Roosevelt Road, the east and west setback lines shall be forty (40') feet from the base line. From the north line of Roosevelt Road to the north line of 80th Street, the east and west setback lines shall be thirty-three (33') feet from the base line. From the north line of 50th Street to the most southern corporate limits of the City of Kenosha, the east and west setback lines shall be fifty (50') feet from the base line.

5. 35th Street, the setback line shall be thirty-three (33') feet from the base line.

6. 39th Avenue, the setback line shall be forty (40') feet from the base line.

7. Roosevelt Road, the setback line shall be fifty (50') feet from the base line.

8. Washington Road, from the west line of 7th Avenue, to a point on the East-West Quarter line of Section 25, Town 2 North, Range 22 East, said point being 667.15 feet west (N 89° 26' 52" W) of the center of said Section 25, the setback line shall be fifty (50') feet north and south of the base line. From a point on the East-West Quarter line of said Section 25, said point being 667.15 feet west (N 89° 26' 52" W) of the center of said Section 25, to the most western corporate limits of the City of Kenosha, the setback line shall be sixty-five (65') feet north and south of the base line.

9. 45th Street, the setback line shall be thirty-three (33') feet from the base line.

10. 50th Street, the setback line shall be thirty-three (33') feet from the base line.

11. 52nd Street, the setback line shall be: from 6th Avenue to State Highway "31", the setback line shall be fifty (50') feet from the base line; from State Highway "31" to the most western end of the present street, the setback line shall be seventy-five (75') feet from the base line.

12. 56th Street, from the west line of 8th Avenue to the east line of the right-of-way of the Chicago and North Western Railway Company, the setback line shall be 24.75 feet north and 107.25 feet south from the base line. From the west line of the Chicago and North Western Railway Company right-of-way to 22nd Avenue, the setback line shall be as follows: At the west line of the right-of-way of the Chicago and North Western Railway Company, the setback line shall be 24.75 feet north of and 55.25 feet south of the base line. From these points, the setback lines run to points in the center line of 14th Avenue, which points are forty (40') feet either side of the base line. From the center line of 14th Avenue to the east line of 22nd Avenue, the setback line shall be forty (40') feet on either side of the base line.

13. 60th Street, the setback line shall be: from Sheridan Road to State Highway "31", the setback line shall be fifty (50') feet from the base line; from State Highway "31" to the most western end of the present street, the setback line shall be sixty (60') feet from the base line.

14. 63rd Street, the setback line shall be: from Sheridan Road to 22nd Avenue, the north setback line shall be thirty-three (33') feet from the base line, and the south setback line shall be sixty-seven (67') feet from the base line.

15. 75th Street, from the west line of 3rd Avenue to the east line of 41st Avenue the setback line shall be forty (40') feet from the base line except on the north side of the street between 30th and 31st Avenues where the setback line shall be 49.5 feet from the base line. From the east line of 41st Avenue to the west line of Pershing Boulevard (Stahl and Farrell Boulevard Additions the setback line on the north side of the street shall be forty (40') feet from the base line, which line is the present existing right-of-way line, and the setback line on the south side of the street shall be eighty (80') feet, said eighty (80') feet being measured perpendicular to the base line and one hundred twenty (120') feet south from the southeast corner of lot numbered 65 of the aforesaid "Stahl and Farrell Boulevard Addition".

From the west line of Pershing Boulevard westerly, the setback line on the north side of the street shall be a straight line extending westerly six hundred nine (609') feet from a point forty (40') feet from the base line at the west line of Pershing Boulevard to a point that is sixty-three (63') feet from the base line; the setback line on the south side of the street shall be a straight line extending westerly two hundred seventy-two (272') feet from a point eighty (80') feet from the base line and one hundred twenty (120') feet south from the southeast corner of the aforesaid lot 65, to a point that is 71.14 feet south from the base line.

From a point six hundred nine (609') feet west of the west line of Pershing Boulevard to the west line of the Southeast Quarter of Section 2, Town 1 North, Range 22 East, the setback line on the north side of the street shall be sixty-three (63') feet. From a point two hundred seventy-two (272') feet west of a point one hundred twenty (120') feet south from the southeast corner of the aforesaid lot 65, westerly to the west line of the Northeast Quarter of Section 11, Town 1 North, Range 22 East, the setback line on the south side of the street shall be 71.14 feet. From the west line of the Southeast Quarter of Section 2, Town 1 North, Range 22 East, to the west line of the Southwest Quarter of Section 2, Town 1 North, Range 22 East, the setback line on the north side of the street shall be the existing right-of-way line on said major street. From the west line of the Northeast Quarter of Section 11, Town 1 North, Range 22 East, to the west line of the Northwest Quarter of Section 11, Town 1 North, Range 22 East, the setback line on the south side of the street shall be the existing right-of-way line on said major street. From the west line of the Southwest Quarter of Section 2, Town 1 North, Range 22 East, to the west line of the Southeast Quarter of Section 3, Town 1 North, Range 22 East, the setback line on the north side of the street shall be seventy-six (76') feet. From the west line of the Southeast Quarter of Section 3, Town 1 North, Range 22 East, westerly to the center line of State Highway Number 31, the setback on the north side of the street shall be a straight line extending westerly from a point on the west line of the Southeast Quarter of Section 3, Town 1 North, Range 22 East which is seventy-six (76') feet north from the base line to a point on the center line of State Highway Number 31, said point being ninety (90') feet northerly along said center line from the intersection of said center line with the base line of 75th Street. From the Northwest Quarter of Section 11, Town 1 North, Range 22 East, to the center line of State Highway Number 31, the setback line on the south side of the street shall be ninety (90') feet. From the center line of State Highway Number 31 to the most western corporate limits of the City of Kenosha, the setback line on both sides of the street shall be determined upon annexation to or consolidation with the City of Kenosha.

16. State Highway Number 31, the setback line shall be ninety (90') feet from the base line.

B. Extensions of Setback Lines on Major Streets Due to Annexations. The setback lines on any major street as designated under **§5.03 A.** of this Ordinance, shall be extended to include any continuation of such major street or parts there of which results from any annexations to or consolidations with the City of Kenosha subsequent to the effective date of this Ordinance. Such continuation of the setback line on any major street shall extend to any new corporate limits established by such annexation or consolidation as

described in **§5.01 B.** of this Ordinance, and shall be measured from the base lines as described in **§5.02 A.** of this Ordinance.

5.04 Construction of Structures within the Area Setback from Major Streets.

A. Intent. Prior to enactment of this Subsection 5.04 there existed a prohibition on any construction of an encroaching structure to be located between the street right of way and the setback line of any major street. It is the intent of this Subsection 5.04 to allow limited construction of what would otherwise have been a prohibited encroaching structure within that area between the street right of way and the setback line of any major street, subject to conditions and consistent with the general purpose stated in Subsections 1.03 and 1.04 of the Zoning Ordinance.

B. Conditions Necessary to Grant the Special Exception. Construction of the encroaching structure within the area located between the right of way in a major street and the setback line of any major street, which construction is prohibited by other provisions of this Zoning Ordinance, may be allowed as a special exception by the Common Council subject to the following conditions:

1. a joint application for the special exception must be signed by all of the fee title owners to the property, who will hereinafter be collectively termed "applicant", containing the following:

a. scale drawings in plan view and appropriate elevation views of the encroaching structure; the plan view must show the location of the encroaching structure on the property, specifically showing dimensions with respect to other existing and proposed structures on the property and the adjacent setback lines of a major street; nevertheless, the filing of drawings required herein does not obviate the need to provide other drawings associated with a review of a conditional use permit application, a site plan review, a building permit, or other required permit;

b. a statement in a form that is legally enforceable by the City through injunctive relief that the encroaching structure will be built according to the drawings, and once constructed, with the exceptions of the removal of the entirety of the structure or a modification approved by the City Plan Commission to the exterior of the structure , the applicant will not allow modifications to the exterior of the encroaching structure;

c. a deed restriction in the form attached to and incorporated into the application, addressing those issues required in paragraph B.2; and

d. evidence of payment by the applicant to the City Clerk of a special exception application fee, the amount of which fee having been established by the Common Council from time to time by resolution, to cover the cost of processing the application and recording the deed restriction.

2. a deed restriction in recordable form that has been approved by the Office of the City Attorney, that has been executed by the applicant, and that contains provisions addressing the following:

a. the deed restriction is for the benefit of the City of Kenosha, is enforceable by the City, and may only be released by the City of Kenosha;

b. the applicant and subsequent property owners will not allow modification to the exterior of the encroaching structure, unless the modification is removal of the entirety of it or unless the modification is approved by the City Plan Commission;

c. the applicant and subsequent property owners will not allow an occupiable space to be created below the grade of the encroaching structure;

d. the applicant and subsequent property owners will not allow sanitary sewer and/or water service to be provided to any portion of the encroaching structure; and

e. as one of the purposes of prohibiting construction of an encroaching structures in the area between the right of way and the setback line to a major street is to minimize the cost to the public for ultimate expansion of the major street, the deed restriction will require that within thirty (30) days of notification by the City through any means of service of process recognized by then-prevailing Wisconsin law to the fee title owner of the property at the time of the notice that the major street will be widened, the fee title owner of the

property will remove the encroaching structure without cost to the City; moreover, should the applicant or their successors-in-interest otherwise be entitled to compensation for other structures or lost business for enforcement of an eminent domain right, the applicant and their successors-in-interest waive compensation for any damages associated with the encroaching structure, such waiver shall specifically include costs for the use, lost business, or relocation of the encroaching structure.

3. Such other conditions that the Common Council deems necessary.

C. Grant of Special Exception. In its consideration of whether to grant the special exception, the Common Council must: (1) hold a public hearing whereby the Common Council may hear from the applicant and the public; (2) consider the reports of the Police Department, Fire Department, the Department of Public Works, and the Department of Community Development and Inspections as to the propriety of the construction of the proposed encroaching structure; (3) the recommendations made by the City Plan Commission within 45 days of referral to it regarding the propriety of the encroachment, the sufficiency of the deed restriction, and/or other factors the Commission deems should be considered by the Common Council; and (4) have determined to accept the language of the deed restriction, either as proposed by the applicant or as amended by the Common Council.

D. Conditions Subsequent to the Grant of the Special Exception. Prior to the issuance of the special exception and prior to the issuance of any required building permit for construction of the encroaching structure, the executed deed restriction with the language accepted by the Common Council must be recorded with the Register of Deeds.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 6.0
PARKING AND LOADING REQUIREMENTS

6.01 PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building or structure is erected, enlarged, or expanded, off-street parking spaces in accordance with the following requirements:

A. General Rules for Determining Parking Requirements. In computing the number of off-street spaces required, the following rules shall govern:

1. Adjacent on-street curb parking shall not be considered as part of the required supply of off-street parking, except where permitted in **Section 6.01 A.8.** of the Zoning Ordinance, "B-4 Mixed-Use District Requirements".

2. Off-street parking in residentially-zoned districts (RR-1, RR-2, RR-3, Rs-1, Rs-2, Rs-3, Rg-1, Rg-2) shall be limited to the property's backyard or driveway apron as defined in **§12** of this Ordinance, except for periods of a declared snow emergency.

a. Off-street parking spaces for multifamily developments of three (3) or more units per building which are located directly in front of attached or detached garages shall not be considered when determining the number of required off-street parking spaces as outlined in **Section 6.01 F.** of this Ordinance.

3. Where the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, parking shall be provided for such increase in intensity of use.

4. Where the determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of less than one-half (1/2) may be disregarded, while any fraction equal to or in excess of one-half (1/2) shall be counted as one (1) parking space.

5. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.

6. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Off-street parking spaces for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of the uses being served. Further, no parking space or portion thereof shall serve as a required space for more than one (1) use.

7. B-3 Central Business District Requirements.

a. For the purpose of encouraging the development and redevelopment of property within the B-3 Central Business District, the following reduced parking requirements shall apply:

(1) There shall be no additional parking requirements for any use or building located in the B-3 District which existed prior to November 5, 1984.

(2) New construction within the B-3 District required parking equal to fifty (50%) percent of the parking requirements of **Section 6.01 F.** of the Ordinance. New construction shall be defined as any new principal building or structure, or any addition to an existing building or structure which exceeds fifty (50%) percent of the total assessed value of the existing building or structure.

(3) New or reconstructed multiple-family development involving more than two (2) dwelling units above the first floor in the B-3 District shall be subject to compliance with the off-street parking requirements in **Section 6.01 F.** of this Ordinance.

b. Notwithstanding the above, for properties located within the boundary specified in **Figure 3-2** of this Section, the following parking requirements shall apply:

(1) There shall be no additional parking requirements for any use or change in use for any existing building located in the B-3 District.

(2) There shall be no additional parking requirements for new construction or building additions for any first and second floor occupancies.

(3) There shall be reduced parking requirements for new construction or building additions equal to fifty (50%) percent of the parking requirements of **Section 6.01 F.** of this Ordinance for occupancies at or above the third floor.

8. B-4 Mixed-Use District Requirements. For the purpose of encouraging the redevelopment of property within the B-4 Mixed-Use District, the following parking requirements shall apply:

a. There shall be reduced parking requirements for new construction of institutional, business and/or multiple family residential uses within the B-4 District equal to fifty (50%) percent of the parking requirements of **Section 6.01 F.** of this Ordinance. Reduced parking requirements shall not be permitted for Elderly and Handicapped Multifamily units, Elderly and Handicapped Community Living Arrangements or Assisted Living Facilities.

b. New single family attached dwelling units in the B-4 District shall be required to have 2.0 spaces per dwelling unit.

c. Up to ten (10%) percent of all required off-street parking spaces for nonresidential uses may be provided on-street, adjacent to the principal use. Such spaces shall be indicated on the Site Plan and shall be approved by the Review Authority. All approved on-street spaces shall be clearly marked on the street in a highly visible manner, but may not be limited in use to exclusively serve the use.

d. Bicycle rack spaces and/or lockers shall be provided at one (1) space for every fifty (50) vehicle spaces at multiple locations for nonresidential uses.

B. Location of Parking Spaces.

1. All parking spaces required herein shall be located on the same lot with the building or use being served, except for transitional parking as permitted in this Ordinance, and except as hereinafter provided.

The following parking spaces may be located on a lot separate from the lot on which the building or use being served is located, provided such spaces are located within eight hundred (800') feet of the nearest lot line of the lot on which the building or use being served is located, provided the transitional parking area is owned by the business or property owner which it serves, and provided such spaces which service any nonresidential use are located in a nonresidential zoning district:

a. Parking spaces to serve permitted or conditional uses in the B-1, B-2, B-3, M-1, M-2 or I-P Districts;

b. Parking spaces serving buildings or uses which existed prior to November 5, 1984, which are enlarged so as to require the provision of additional parking spaces under this Ordinance; or

c. Parking spaces provided collectively by two (2) or more buildings or uses.

2. Required off-street parking spaces may be located in any yard, except in any required accessory front yard or accessory street side yard in a Residential District or in any required front yard or street side yard in an I-P District.

C. Parking Design Standards. In addition to the requirements specified in **§6.01** of this Ordinance, all off-street parking shall be designed, constructed and maintained in accordance with the requirements of Section 5.08 of the Code of General Ordinances.

D. Screening.

1. Screening of Parking Facilities. All off-street parking facilities for five (5) or more vehicles, not contained in a building or structure, shall be effectively screened on any side of the facility which is adjacent to or across an alley from a residential district.

Such screening shall be accomplished by a fence, wall, berm or landscaping, or some combination thereof, constituting an opaque characteristic which obscures from horizontal view, the parking facility. Such screen shall not be less than four (4') feet in height, except where reduced heights are required in **§2.06**, "Visual Clearance" of this Ordinance.

2. Review of Screening Plans. As part of the overall review of a parking facility plan, the Administrator shall review and approve plans for the screening of a parking facility.

E. Submission and Review of Proposed Off-Street Parking. The Administrator shall determine the number of off-street parking spaces required by the use being served and shall approve the location of said parking spaces on the lot as part of the Building Permit or Certificate of Occupancy Permit review procedure. The Administrator shall not issue any Certificate of Occupancy Permit until the proposed off street parking meets all requirements of §5.08 of the Code of General Ordinances.

F. Minimum Parking Spaces Required for the Following Permitted or Conditional Uses:

RESIDENTIAL

1. Single-Family and Two-Family: 1.0 spaces per dwelling unit in the Rg-1, Rg-2 and Rs-3 zoning districts. Two (2) spaces per dwelling unit in all other residentially zoned districts.

2. Multiple-Family: 2.0 spaces per dwelling unit, plus any additional parking required as part of a conditional use review.

3. Elderly Housing.
a. Rm-1 and Rm-2 Districts: 1.0 space per dwelling unit, plus 1.0 space per dwelling unit reserved in open space for future conversion to conventional multifamily housing.
b. RM-3 and B-4 Districts:
(1) Elderly Multifamily Units: 1.0 space per dwelling unit.
(2) Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities: 0.35 spaces per bed.

4. Community Living Arrangements: 0.25 space per bed.

5. Fraternity, Sorority, Rooming and Boarding House: 0.5 spaces per bedroom; **Bed and Breakfast Establishments:** 1.0 space per bedroom.

6. Motel-Hotel: 1.0 space per rental unit, plus 1.0 space per 3 employees.

INSTITUTIONAL

7. Educational Institutions:
a. Elementary and Middle Schools: 1.0 space per 1,500 square feet of net floor area, including assembly halls.

b. Senior High Schools: 1.0 space per 500 square feet of net floor area, including assembly halls.

c. Vocational Schools, University and College Campuses, and Private Business Schools: 4 spaces per 1,000 square feet of net floor area used for classrooms, offices, libraries, museums, conference rooms, and/or art galleries, plus 1.0 space per 7 seats for theaters, general auditoriums, arenas, stadiums, other similar places of assembly.

8. Religious Institutions (churches, chapels, and other places of religious assembly): 1.0 space per 5 seats.

9. Cultural Institutions (libraries, museums, and art museums): 1.0 space per 400 square feet of gross floor area.

10. Philanthropic and Charitable Institutions: 1.0 space per 400 square feet of gross floor area.

OTHER

11. Hospital: 1.5 spaces per 1 bed.

12. Convalescent and Nursing Homes, including Extended Care Facilities: 1.0 space per 3 beds.

13. Nursery and Childcare, and Adult Day Care Centers: 1.0 space per employee, plus 1.0 space per 20 children or clients.

14. Theaters; General Auditoriums; Arenas; Stadiums; Exhibition Halls or Other Similar Places of Assembly: 1.0 space per 5 seats.

15. Penal, Reform, Disciplinary and Mental Health Facilities: 1.0 space per 6 beds.

16. Conference Centers: 10.0 spaces minimum, or spaces equal to 30% of the licensed capacity, whichever is greater.

16.a. Shelter Facility: 1.0 space per 6 beds.

BUSINESS

17. Convenience Retail, General Merchandise and Service Stores; Office Buildings; Financial Institutions; Miscellaneous Retail and Service Uses; Home Improvement and Gardening Supply Stores and Uses; and Motor Vehicle Uses: 1.0 space per 250 square feet of gross floor area, except for the uses listed in **18.** to **33.** below.

18. Automobile Sales and/or Service, Automobile and/or Truck Rental or Leasing, Mobile or Manufactured Home Sales and Service, and Recreational Vehicle Sales and Service: 1.0 space per 300 square feet of gross floor area, plus 1 space per 2,500 square feet of gross land area devoted to sales or rental.

19. Automobile Service or Fuel Station: 3.0 spaces minimum, plus 3.0 spaces per each service

bay.

20. Automobile Body Shop: 3.0 spaces minimum, plus 1 space per 500 square feet of gross floor area.

21. Automobile or Truck Wash: 1.0 space per employee on largest shift, plus any additional spaces required as part of a conditional use review.

22. Carpenter, Electrical, Plumbing, Heating and Air Conditioning Shops; Furniture and Household Appliance Stores; Printing or Publishing Establishment; and, Radio or Television Studio: 1.0 space per 500 square feet of gross floor area.

23. Funeral Home: 1.0 space per 50 square feet of gross floor area of public spaces, including parlor, chapel, reception, lobby and lounge areas.

24. Self-Service Storage Facility: 3.0 spaces minimum, plus 1 space per 100 storage units.

25. Medical Offices, Clinic, Laboratory, and Professional Offices of a Dentist, Doctor, Surgeon or Other Individual Licensed to Practice Medicine: 1.0 space per 250 square feet of gross floor area.

26. Recreational Uses-Indoor, Private:

a. Bowling Alley: 5.0 spaces per alley, plus additional spaces as may be required herein for affiliated uses such as restaurants and other mixed uses.

b. Game and Athletic Courts: 3.0 spaces per court.

c. Physical Fitness and Health Club: 1.0 space per 200 square feet of gross floor area.

d. Other Indoor Recreational Uses: 1.0 space per 500 square feet of gross floor area.

e. Golf Range, Batting Range, Batting Cage, or Golf and/or Batting Simulator: 3.0 spaces per individual station.

27. Recreational Uses-Outdoor, Private:

a. Athletic Field: 10.0 spaces per field, plus 1.0 space per 10 seats within bleachers or stands.

b. Golf Driving Range: 2.0 spaces per driving tee.

c. Golf Courses: 3.0 spaces per hole, plus spaces equal to 30% of the total licensed capacity of any affiliated clubhouse, restaurant or lounge.

d. Other Outdoor Recreational Uses: 1.0 space per 5,000 square feet of lot area.

28. Restaurants Without Drive-in or Drive-through Facilities: 10.0 spaces minimum, or spaces equal to 30% of the total licensed capacity, whichever is greater.

29. Restaurants With Drive-in or Drive-though Facilities: 10.0 spaces minimum, or spaces equal to 40% of the total licensed capacity, whichever is greater.

30. Shopping Centers: 4.5 spaces per 1,000 square feet of leasable floor area, and any additional parking required as part of a conditional use review.

31. Taverns and Cocktail Lounges: 10.0 spaces minimum, or spaces equal to 20% of the total licensed capacity, whichever is greater.

32. Recycling Collection Centers: Minimum of five (5) parking spaces.

MANUFACTURING

33. Manufacturing & Industrial Establishments or Uses: 2.0 spaces per 3 employees on maximum shift, but in no event less than 2.0 spaces per 1,000 square feet of gross floor area.

34. Wholesale and Warehouse Establishments, and Distribution Plant: 2.0 spaces per 3 employees on maximum shift, but in no event less than:

a. 1.0 space per 1,000 square feet of gross floor area for the first 20,000 square feet.

b. 1.0 space per 2,000 square feet of gross floor area for the second 20,000 square feet.

c. 1.0 space per 4,000 square feet of gross floor area in excess of the initial 40,000 square feet of floor area of the building.

6.02 LOADING REQUIREMENTS

In all business and manufacturing districts, there shall be provided at the time any building or structure is erected, enlarged, or expanded, loading space in accordance with the following requirements:

A. General Rules for Determining Loading Requirements. In computing the number of off-street loading spaces required, the following rules shall govern:

1. Adjacent on-street curb loading shall not be considered as part of the required supply of off-street loading spaces.

2. Where the intensity of use of any building, structure or premises within a business or manufacturing district shall be increased through the addition of gross floor area, loading spaces shall be provided for such increase in intensity of use.

3. Off-street loading spaces for separate business or manufacturing uses may be provided collectively if the total number of loading spaces so provided is not less than the sum of the separate requirements of the uses being served. Further, no loading space or portion thereof shall serve as a required space for more than one (1) use.

4. B-3 Central Business District Requirements. In the B-3 Central Business District, for the purpose of minimizing disruptive curb-cuts and driveways and to encourage the consolidation of loading spaces in appropriate locations, the following rules governing loading requirements shall apply:

a. There shall be no loading requirements for any use located in the B-3 District which existed prior to the effective date of this Ordinance.

b. New construction within the B-3 District requires loading spaces equal to fifty (50%) percent of the loading requirements of **6.02 D.** of this Ordinance, unless reduced loading requirements are authorized by the Common Council through the approval of a Conditional Use Permit. (Refer to **Section 4.0** of this Ordinance for the conditional use review procedures.) New construction shall be defined as any new principal building or structure, or any addition to an existing building or structure which exceeds fifty (50%) percent of the total assessed value of the existing building or structure.

5. B-4 Mixed-Use District Requirements. In the B-4 Mixed-Use District, for the purpose of minimizing disruptive curbcuts and driveways, and to encourage the consolidations of loading spaces in appropriate locations for commercial uses, the following rules governing loading requirements shall apply:

a. New construction within the B-4 District requires loading spaces equal to fifty (50%) percent of the loading requirements of Section 6.02 D. of this Ordinance, unless reduced loading requirements are authorized by the Common Council through the Conditional Use Permit.

b. Off-street loading spaces shall not be located between a building and a major street.

B. Loading Design Standards. In addition to the requirements specified in **§6.02** of this Ordinance, the design of all loading spaces may be subject to the approval of the City Traffic Engineer and said loading spaces shall be subject to the applicable requirements of Chapter 5 of the Code of General Ordinances.

C. Submission and Review of Proposed Loading Spaces. The Administrator shall determine the number of loading spaces required by the use being served and shall approve the location of said loading spaces on the lot relative to any required yards or setback lines of any major streets, as part of the building permit review procedure. The Administrator shall not issue any Certificate of Occupancy Permit until the loading spaces meet the applicable requirements of Chapter 5 of the Code of General Ordinances.

D. Loading Spaces Required.

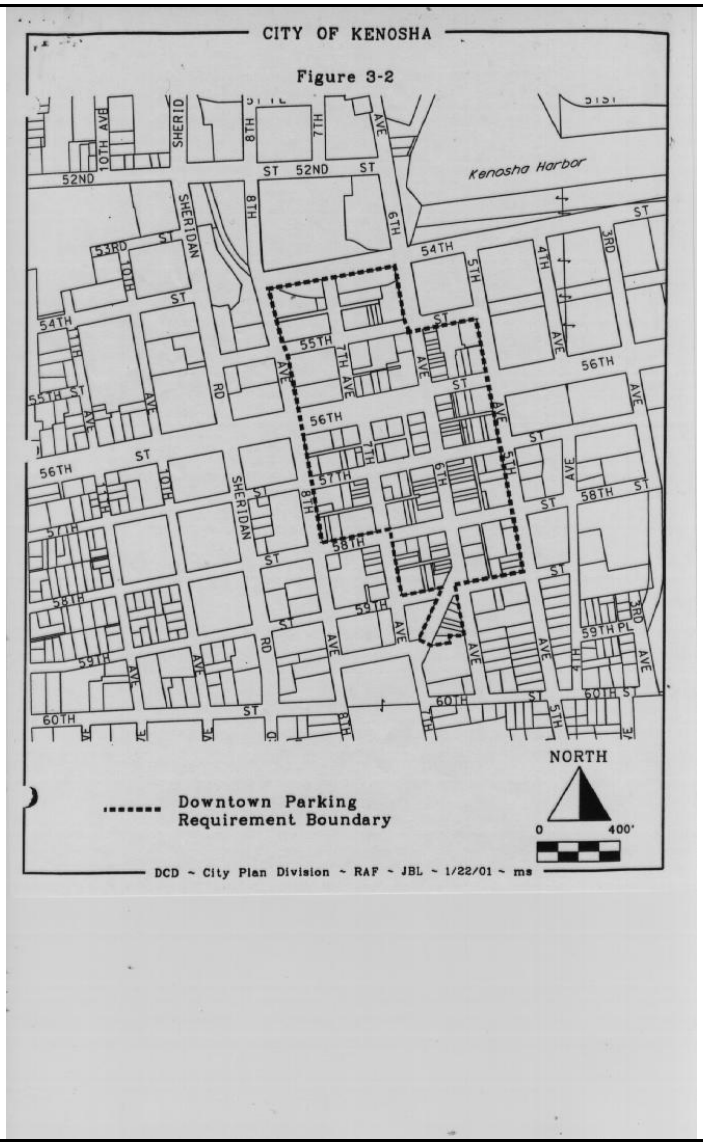
Business/Manufacturing Districts (Permitted/Conditional Uses):

	Gross Floor Area	Minimum Loading Space Required
1.	For a building less than 7,000 square feet	0
2.	For a building 7,001 to 10,000 square feet	1
3.	For a building 10,001 to 25,000 square feet	2
4.	For a building 25,001 to 50,000 square feet	3
5.	For a building 50,001 to 100,000 square feet	4
6.	For a building 100,001 to 250,000 square feet	5
7.	For each additional 200,000 square feet	1

6.03 RELIEF FROM PARKING AND LOADING REQUIREMENTS

Reduced parking and loading requirements may be approved under a Conditional Use Permit or Site Plan Review, when so authorized by the Common Council. The Common Council shall hold a public hearing on the request and all owners within one hundred (100') feet of the property, excluding street right-of-ways, shall be notified by mail of the hearing.

FIGURE 3-2 - DOWNTOWN PARKING REQUIREMENT BOUNDARY



SECTION 7.0
NONCONFORMING BUILDINGS OR STRUCTURES AND NONCONFORMING USES OF LAND

7.01 INTENT

Within the Zoning Districts established by this Ordinance, there may exist buildings or structures, uses of buildings or structures, or uses of land which do not conform to the provisions of this Ordinance. The purpose of this Section is to provide regulation of nonconforming buildings, structures and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses shall be permitted to continue.

7.02 NONCONFORMING BUILDINGS AND STRUCTURES

A nonconforming building or structure existing on the effective date of this Ordinance may be maintained although it does not conform with the area, height, yard, open space or visual clearance provisions of this Ordinance, except as otherwise provided below in this Section:

A. Repairs and Nonstructural Alterations. Repairs and nonstructural alterations may be made to a nonconforming building or structure, for ordinary maintenance repairs including internal and external painting, decorating, paneling, and the repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, roofing or other nonstructural components provided that the cubic content of the building or structure as it existed prior to the effective date of this Ordinance is not increased.

B. Structural Alterations and Additions. A nonconforming building or structure shall not be structurally altered or enlarged in any manner except when such structural alteration or addition conforms to all of the regulations of the District in which it is located.

Additions or alterations to existing nonconforming buildings, structures or residential uses are permitted provided that the value of such addition or alteration does not exceed fifty (50%) percent of the total assessed value of the existing building, and provided that the addition or alteration conforms with all other provisions of this Ordinance.

C. Relocation. A nonconforming building or structure shall not be moved in whole or in any part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the District in which it is located.

D. Exceptions For Nonconforming Multi-Family Residential Buildings and Structures. A multi-family residential building or structure which exceeds the number of units permitted by the Zoning Ordinance, and which is damaged or destroyed by a catastrophe or act of God, may be reconstructed to the same number of units if all of the following conditions are met:

1. A Building Permit for the reconstruction is obtained within eighteen (18) months of the date of the catastrophe.

2. Reconstruction will not increase any dimensional nonconformity of the building or structure.

3. The site is zoned for multi-family residential use.

4. The new building(s) comply with all other City and State Codes and Ordinances existing at the time

of reconstruction.

E. Exceptions For NonConforming Residential Structures Located in the RS-3, RG-1 and RG-2 Zoning Districts. A residential building or structure which does not comply with any or all of the following:

- Sections **3.06 G., 3.08 G.** or **3.09 G.** of the Zoning Ordinance, regarding Primary Entrance;
- Sections **3.06 H., 3.08 H.** or **3.09 H.** of the Zoning Ordinance, regarding Windows;
- Sections **3.06 I., 3.08 I.** or **3.09 I.** of the Zoning Ordinance, regarding Compatibility With Existing Structures; and,

which is damaged or destroyed by a catastrophe or act of God, may be reconstructed to its original construction prior to such damage if all of the following conditions are met:

1. A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe or act of God.

2. Reconstruction will not increase any dimensional nonconformity of the building or structure.

3. The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.

F. Exceptions For NonConforming Residential Structures Located in the RS-1, RS-2, RR-1, RR-2, RR-3 or RD Zoning Districts. A residential building or structure which does not comply with any or all of the following:

- Sections **3.031 H., 3.032 H., 3.033 G., 3.04 G., 3.05 G.** or **3.07 G.** of the Zoning Ordinance, regarding Attached Garages;
- Sections **3.031 I., 3.032 I., 3.033 H., 3.04 H., 3.05 H.** or **3.07 H.** of the Zoning Ordinance, regarding Building Composition and Character;
- Sections **3.031 J., 3.032 J., 3.033 I., 3.04 I., 3.05 I.** or **3.07 I.** of the Zoning Ordinance, regarding Compatibility with Existing Structures; and,

which is damaged or destroyed by a catastrophe or act of God, may be reconstructed to its original construction prior to such damage if all of the following conditions are met:

1. A Building Permit for the reconstruction is obtained within twelve (12) months of the date of the catastrophe or act of God.

2. Reconstruction will not increase any dimensional nonconformity of the building or structure.

3. The reconstructed building or structure complies with all other City and State Codes and Ordinances existing at the time of reconstruction.

7.03 NONCONFORMING USES OF BUILDINGS OR STRUCTURES

The nonconforming use of a building or structure existing on the effective date of this Ordinance may be continued although it does not conform with the use provisions of this Ordinance, except as otherwise provided in this Section:

A. Repairs and Nonstructural Alterations. Repairs and nonstructural alterations may be made to a building or structure which contains a nonconforming use for ordinary maintenance repairs, including internal and external painting, decorating, paneling, and the repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, roofing or other nonstructural components to a value of which does not exceed fifty (50%) percent of the total assessed value of the building or structure, provided that the cubic content of the building or structure as it existed prior to the effective date of this Ordinance is not increased.

B. Structural Alterations and Additions. When a building or structure contains a nonconforming use, structural alterations and additions are only permitted when the use of the entire building or structure is changed to a use which conforms to all of the regulations of the District in which it is located.

C. Expansion, Extension or Relocation. A building or structure containing a nonconforming use shall not, in any manner, be expanded or extended or be relocated in whole or in part to any location on the lot or onto any adjacent lot, unless the use of the entire building or structure is changed to a use which conforms to all of the regulations of the District in which it is located.

D. One Year Vacancy. A building or structure or portion thereof nonconforming as to use which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year, or more, shall not hereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

7.04 NONCONFORMING USES OF LAND

A nonconforming use of land where no building is involved, existing on the effective date of this Ordinance, may be continued although it does not conform with the use provisions of this Ordinance, except as otherwise provided below in this Section:

A. Maintenance. Lots containing a nonconforming use of land, which do not have a building or structure thereon, may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainageways, provided that the amount of land devoted to such use as it existed prior to the effective date of this Ordinance is not increased.

B. Expansion, Extension or Relocation. A nonconforming use of land shall not, in any manner, be expanded, extended or be relocated on the same lot.

C. Discontinuance or Change of Use. If a nonconforming use of land or any portion thereof is discontinued or is proposed to be changed, any future or proposed use of such land shall be in conformance with the provisions of this Ordinance.

7.05 GENERAL

A. Reconstruction.

1. Nonconforming Buildings and Structures. Notwithstanding Section 7.02 of this Ordinance where a non-conforming building or structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation it may, consistent with Section 62.23 (7)(hc), Wisconsin Statutes, be restored to the size and use it had immediately prior to the occurrence of the damage or destruction without any limitation on the cost of repair, reconstruction or improvement. Such a nonconforming building or structure shall be permitted to be reconstructed to be larger than its size immediately prior to the damage or destruction if necessary for the building or structure to comply with applicable state or federal requirements.

2. Building or Structure Containing a Nonconforming Use. Where a building or structure containing a nonconforming use is damaged by a catastrophe or act of God to the extent equaling more than fifty (50%) percent of its total assessed value, it shall not be reconstructed except as to comply with the height, yard, open space and use regulations of the District in which it is located. A building or structure containing a nonconforming use damaged to the extent equaling fifty (50%) percent or less of its total assessed value, may be reconstructed provided that the nonconforming use as it existed prior to the damage is not increased or enlarged.

3. Buildings or Structures Nonconforming to Visual Clearance, Excluding Fences. Where a building or structure, nonconforming as to visual clearance, is damaged by a catastrophe or act of God, to the extent equaling more than fifty (50%) percent of its total assessed value, it shall be reconstructed to comply

with the visual clearance regulations of **§2.06 B.** of this Ordinance. Where such a building or structure is damaged by a catastrophe or act of God, to the extent equaling fifty (50%) percent or less of its total assessed value, it may be reconstructed provided that the building or structure meets the following regulations:

a. No such building or structure shall be permitted in any District between the heights of three and one-half (3-1/2') feet and eight (8') feet above 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 eight (8') feet from their intersection.

b. No such building or structure shall be permitted in any Residential District between the heights of three and one-half (3-1/2') feet and eight (8') feet above the triangular space formed by 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 a driveway, and a line joining points on such lines located a minimum of fifteen (15') feet from their intersection.

Any fence, nonconforming as to visual clearance, which is damaged or destroyed by a catastrophe or act of God, shall not be reconstructed except as to comply with the visual clearance regulations of **§2.06 B.** of this Ordinance.

4. Flood Damage. Where buildings or structures have been flood damaged, the cost of any floodproofing required under **Section 7.05 B.** of this Ordinance, shall not be included in the calculation of reconstruction costs as outlined in **§§7.05 A.2.** and **7.05 A.3.** of this Ordinance.

B. Floodproofing. Within the Floodland Zoning Districts established by this Ordinance, the FW and FFO Districts, there may exist buildings or structures which do not conform to the floodproofing provisions of these Districts. Nonstructural alterations, structural alterations, additions and reconstructions permitted under the provisions of this Ordinance to such buildings and structures located on floodlands shall include floodproofing to those portions of the building or structure involved in such alterations, additions or reconstructions. Certification of floodproofing shall be made to the Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood for the particular area.

C. Orders of Repair. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure or part thereof declared to be unsafe by the Administrator.

D. Shoreland-Wetlands. Within the Shoreland Wetland Overlay (SWO) District established by the Ordinance, the lawful use of a building, structure or property which existed at the time this Ordinance, or an applicable amendment to this Ordinance, took effect and which is not in conformity with the provisions of the Ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

Notwithstanding §62.23 (7)(h), Wisconsin Statutes, the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this Ordinance adopted under §62.231, Wisconsin Statutes, or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under §62.231(5), Wisconsin Statutes, §62.23(7)(h), Wisconsin Statutes, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Ordinance or amendment.

The maintenance and repair of nonconforming boathouses which are located below the ordinary mark of any navigable waters shall comply with the requirements of §30.121, Wisconsin Statutes.

7.06 NONCONFORMANCE DUE TO THE ADOPTION OF THIS ORDINANCE, AMENDMENTS OR REZONINGS

The provisions of **§7.0** shall also apply to buildings, structures, uses of buildings or structures or uses of land which hereafter become nonconforming due to the adoption of this Ordinance, amendments thereto, or rezonings.

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 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. Maintenance is not considered an extension, modification or addition. These include painting, decorating, paneling and other nonstructural components, and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Maintenance does 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 equal or 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 subparagraph 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 equals or exceeds fifty (50%) percent of the structure's present equalized assessed value.

(2) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the

size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(a) Residential Structures.

(i) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill , pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 7.07.

(ii) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

(iii) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(iv) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

(v) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §3.21.

(vi) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) Nonresidential Structures.

(i) Shall meet the requirements of §7.07 A.2.e.(2).

(ii) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in §7.05 B.

(iii) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §3.21 C.

(c) A nonconforming historic structure may be altered if the alteration will not preclude the structures continue designation as a historic structure, the alteration will comply with § 3.20, flood resistant materials are used, and construction practices and floodproofing methods that comply with § 7.05 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 7.07 B. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

f. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% 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 §17.02.

g. If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted 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 §17.02.

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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 SPS 383, 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.**

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 SPS 383, 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.

D. Floodprotection Standards for Noncomforming Structures or Uses.

1. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing measures shall be designed, as appropriate, 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. Minimize or eliminate infiltration of flood waters.

2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

a. certified by a registered professional engineer or architect; or

b. meets or exceeds the following standards:

(1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding ;

(2) the bottom of all openings shall be no higher than one foot above grade; and

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 8.0
ADMINISTRATION

8.01 PLAN COMMISSION

The City Plan Commission shall have the duties of making reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Commission, its members and City of Kenosha support staff, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

8.02 ADMINISTRATOR DESIGNATED

The Director of the Department of Community Development 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 Administrator. The duty of the Administrator shall be to interpret and administer this Ordinance and to issue, following on-site inspection, all permits required by this Ordinance. The 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. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

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.
5. Floodproofing certificates.
6. List of nonconforming structures and uses.

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**.**

M. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

N. Submit reports by the City as required in Section 2.08 C.

8.03 BUILDING PERMIT APPLICATIONS

A. Surveys.

1. All applications submitted for a Building Permit to construct new buildings and additions shall be accompanied by a survey prepared and certified by a registered land surveyor.
2. At the discretion of the Chief of Inspection, applications submitted for a Building Permit to construct a new accessory building or structure may be required to be accompanied by a survey prepared and certified by a registered land surveyor should inconsistent property data present itself.

B. Required Survey Site Plan Contents. The form and size of the survey shall be specified by the Administrator and said survey shall be drawn to scale containing the following information:

1. Elevation of existing ground.
2. Location of proposed foundation and building projections exceeding two (2') feet.
3. Elevation of proposed building foundation.
4. Elevation of proposed surface drainage plan and designated easements as related to adjacent lots (finished grade).
5. Location of structures on abutting properties.
6. Elevation of structures on abutting properties.
7. Elevation of existing abutting property grade.
8. Location and elevation of all other unique land characteristics (retaining walls, large trees, existing structures, etc.).
9. A legal description.
10. The size and location of off-street parking spaces, if required.

11. Proposed sidewalk elevation as determined by the City of Kenosha. Datum is available through the Department of Public Works.

12. Any additional information as may be required by the Administrator.

C. Elevation Determination.

1. Surface drainage elevations, as required in **B.4.** and **B.8.** above, shall correspond to previously established design criteria on file with the Department of Public Works and Department of City Development.

2. Building elevations for any parcel of real estate shall be established as follows:

a. Proposed foundation elevation shall be in conformance with a City approved Drainage Plan through Subdivision Platting, a Conditional Use Permit, or a City approved Certified Survey.

b. If there is no City approved drainage plan in effect, the proposed foundation elevation shall be at least twenty-four (24") inches above the predetermined grade of the sidewalk at the highest point.

c. Any alternative building foundation elevation shall require approval from the City Engineer.

3. Final foundation elevation shall be eight (8") inches above the required finished grade.

4. Elevation of rough grade at building and property lines shall be within three (3") inches of the required finished grade.

D. Post Foundation Survey. Within ten (10) working days from the date a foundation is installed, backfilled and rough graded, and prior to any additional work being performed, a post foundation survey shall be submitted to the Administrator. The Administrator shall not authorize any additional construction work to be performed until and unless a survey is submitted which shows:

1. Location of foundation with respect to property lines.

2. Height of foundation in accordance with **Subsection C.**

3. Rough grade in accordance with **Subsection C.**

E. Impact Fees. The issuance of a Building Permit shall be conditioned upon the applicant paying an Impact Fee imposed in accordance with Chapter 35 of the Code of General Ordinances, where not previously imposed as a condition of approval of a Land Division or Conditional Use Permit.

8.04 CERTIFICATE OF OCCUPANCY

A. Certificate of Occupancy Required. A Certificate of Occupancy from the Administrator shall be required as a condition of any person occupying:

1. A building which has been the subject of new construction or erection.

2. A building which has been moved to another foundation on the same or any other parcel of property.

3. A building which has been the subject of an expansion, addition, alteration or reconstruction.

4. A building, or portion thereof located in the B-1, B-2, or B-3 Business District, or in the M-1 or M-2 Manufacturing District, or IP Institutional Park District, which is not used for residential purposes and is subject to a new occupancy, whether owner or tenant.

5. A parcel of land, unimproved by a building, which is used for a business or manufacturing purpose.

6. A residential building used for a Home Occupation under **Section 3.03 E.** of the Zoning Ordinance.

7. A non-residential building which has been vacant and unoccupied for more than ninety (90) days.

8. A residential building of four (4) or more units in which all the units have been vacant and unoccupied for more than ninety (90) days.

9. A building subject to a business license under Chapters 10, 12, and 13 of the Code of General Ordinances.

B. Prohibitions.

1. It shall be unlawful for any person to occupy a building, parcel of land, or portion thereof :

a. Without having first obtained a Certificate of Occupancy where required, except where having obtained a Temporary Certificate of Occupancy which has not expired or been terminated.

b. Following the expiration or revocation of a Certificate of Occupancy.

c. Following the expiration of a Temporary Certificate of Occupancy.

d. Contrary to the terms, conditions and limitations of a Certificate of Occupancy.

e. Contrary to the terms, conditions and limitations of a Temporary Certificate of Occupancy.

2. It shall be unlawful for the owner of any building, parcel of land, or portion thereof for which a Certificate of Occupancy is required to permit any person to occupy said building, parcel of land, or portion thereof without having first required that the person obtain a Certificate of Occupancy as required herein.

C. Certificate of Occupancy.

1. Application. The owner or tenant of a building or parcel of land subject to the requirement of a Certificate of Occupancy shall apply to the Administrator for a Certificate of Occupancy:

a. Concurrent with an application for a Building Permit, where applicable.

b. Prior to a change in occupancy of a building or parcel of land, under circumstances where a Building Permit application was not required.

c. Prior to occupancy of a residential building for the purpose of engaging in a home occupation.

d. Prior to occupancy of a building which had been vacant and unoccupied for more than ninety (90) days.

e. Concurrent with an application for a business license under Chapters 10, 12 and 13 of the Code of General Ordinances.

2. Conditions and Standard for Issuance of Certificate of Occupancy. A Certificate of Occupancy shall be issued by the Administrator within ten (10) working days of the final inspection of the building or parcel of land subject thereto, provided that such building or parcel of land is in compliance with all applicable provisions of the Code of General Ordinances and Zoning Ordinances, applicable State laws, rules and regulation, and Land Use Agreements and permits required by the City.

3. Form of Certificate of Occupancy. The Certificate of Occupancy, where issued, shall certify compliance with the applicable conditions and standards and state the use of the building or parcel of land which is approved, whether conforming or lawfully nonconforming with the Zoning Ordinance. The Certificate of Occupancy, however, shall in no event certify compliance with any environmental law, rule or regulation.

D. Temporary Certificate of Occupancy.

1. Eligibility and Application. The owner or tenant of a building or parcel of land which is not eligible for a Certificate of Occupancy, but will meet the eligibility requirements of the Zoning Ordinance within the time period specified under this Section, may apply to the Administrator for and obtain a Temporary Certificate of Occupancy as hereinafter provided. The application must be made and Certificate obtained prior to occupancy.

2. Term. The term of a Temporary Certificate of Occupancy shall not exceed the following:

a. Winter Temporary Occupancy Permit. An applicant may obtain a Winter Temporary Occupancy Permit for any occupancy occurring between November 1 and June 30. The Temporary Occupancy Permit may be obtained upon payment of a One Hundred ($100.00) Dollar application fee, posting of cash performance deposit and compliance with this Section. All Temporary Winter Occupancy Permits shall expire

on June 30.

b. Special Thirty (30) Day Temporary Occupancy Permit. An applicant may obtain a Special Thirty (30) Day Temporary Occupancy Permit between July 1 and October 31. This permit may be obtained upon payment of a Five Hundred ($500.00) Dollar nonrefundable application fee, posting of the required cash performance deposit and compliance with this Section. Applicant may obtain an additional thirty (30) day extension upon payment of an additional Five Hundred ($500.00) Dollar nonrefundable application fee. The total duration for a Special Thirty (30) Day Temporary Occupancy Permit, with extension, shall not exceed sixty (60) days.

3. Conditions and Standards for Issuance of Temporary Certificate of Occupancy. A Temporary Certificate of Occupancy shall be issued by the Administrator within five (5) working days of an inspection of a building or parcel of land subject thereto, provided such building or parcel of land is in compliance with the following standards for issuance:

a. The building or parcel of land will be the subject of a Certificate of Occupancy within the period of time specified under **Section 8.04 D.2**.

b. With respect to Multi-Unit Residential Developments, prior to occupying an individual unit, the exterior of the building shall be one hundred (100%) percent complete. With respect to Commercial, Industrial and/or Institutional Developments, prior to occupying the building or any individual unit or tenant space, the exterior of the building shall be one hundred (100%) percent complete.

c. The building or parcel of land shall be capable of being occupied without unduly endangering the public health, safety or welfare.

d. A completed Temporary Occupancy Permit application shall be submitted and permit fee paid.

e. All exterior lighting shall be installed.

f. All concrete streets, drives, sidewalks, and parking areas shall be completed. All parking areas to be paved in asphalt shall have the first lift binder course of asphalt installed.

g. The site shall be graded in accordance with the approved plans on file with the Department of City Development.

h. There shall be compliance with any conditions of approval within an approved Conditional Use Permit, Site Plan Review or Developer's Agreement and Subdivider's Agreement, where applicable.

4. Temporary Occupancy Cash Performance Deposit. In addition to the permit fee, an applicant shall post a cash performance deposit in the amount of forty (40%) percent of the uncompleted work or Two Thousand ($2,000.00) Dollars, whichever is greater. The deposit shall be forfeited if all required work has not been completed prior to the expiration of the Temporary Occupancy Permit. A notice of the forfeiture shall be sent to permit holder with notice of appeal rights. Within ten (10) days of receipt of notice, the forfeiture may be appealed by filing notice of appeal with the Department of Community Development and Inspections. The Board of Zoning Appeals shall hear the appeal. If such work has been timely completed, the cash performance deposit shall be refunded. In the case of a phased multi-family development which consists of two (2) or more buildings on the same lot, the cash performance deposit shall be posted upon application for an Occupancy Permit for the last building of each phase. All phasing plans must be approved by the Review Authority. There shall be no more than four (4) buildings per each phase of development.

5. Temporary Occupancy Permit Administration. The administration and issuance of Occupancy Permits shall be in accordance with **Section 8** of the Zoning Ordinance and with the policies for Occupancy Permits on file with the Department of Community Development and Inspections.

E. Existing Occupancies. Businesses which have been operating since May 1, 1993, may be granted a Certificate of Occupancy, although exempt from the requirements of this Section of the Zoning Ordinance. Owners and tenants of said businesses shall provide supporting documentation and make application to the Department of Community Development and Inspections for an Occupancy Permit. There shall be no charge

for a Certificate of Occupancy for such existing occupancy.

F. Permit Fees. Should an application be made for a Certificate of Occupancy or a Temporary Certificate of Occupancy for a building following occupancy of such building without any such certificate, then the permit fee shall be five (5) times the standard permit fee.

G. Penalties. Any person, party, firm or corporation who violates any of the provisions of this Section shall upon conviction be subject to a forfeiture of not less than One Hundred Fifty ($150.00) Dollars, nor more than Five Thousand ($5,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

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 Administrator before any New Construction, as defined in §12.0 B. of this Ordinance; repair, modification or addition to an existing structure or any change in the use of an existing building or structure including sewer and water facilities, may be initiated. Applications shall include:

1. An application for a Zoning Permit shall be made to the 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 including if it is new construction or a modification.

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. Location, dimensions,area and elevation 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.

j. 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);

k. Data sufficient to determine the regional flood elevation in National Geodetic Vertical Datum or North American Vertical Datum at the location of the development and to determine whether or not the requirements of §3.20 or §17.0 are met; and

l. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to §2.08. This may include any of the information noted in §3.20.

3. All permits issued under the authority of this Ordinance shall expire 180 days after issuance.

4. When a Zoning Permit is approved, an appropriate record shall be made by the 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 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 provisions of this Ordinance.

2. The 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 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 until a Certificate of Compliance is issued by the 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.**

D. Hydraulic and Hydrologic Studies to Analyze Development.

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the DNR.

1. Zone A Floodplains:

a. Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

b. Hydraulic modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

(1) determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting Water Surface Elevation (WSEL) for the study.

(2) channel sections must be surveyed.

(3) minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

(4) a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

(5) the most current version of HEC-RAS shall be used.

(6) a survey of bridge and culvert openings and the top of road is required at each structure.

(7) additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

(8) standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

(9) the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

(1) If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

(2) If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains.

a. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on NR 11 6.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

b. Hydraulic model. The regional flood elevation shall be based on the standards in NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following :

(1) Duplicate Effective Model.

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous Flood Insurance Study model upstream and downstream of the revised reach. If data from the effective model is available , models shall be generated that duplicate the Flood Insurance Study profiles and the elevations shown in the Floodway Data Table in the

FIS report to within 0.1 foot.

(2) Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

(3) Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the
Revised (Post-Project) Model.

(4) Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

(5) All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

(6) Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested . Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required . The Effective Model shall not be truncated .

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

(1) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated Flood Insurance Rate Maps and/or Flood Boundary Floodway Maps , construction plans, bridge plans.

(2) Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the Flood Insurance Rate Map may be more easily revised.

(3) Annotated Flood Insurance Rate Map panel showing the revised 1 % and 0.2% annual chance floodplains and floodway boundaries.

(4) If an annotated Flood Insurance Rate Map and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

(5) The revised floodplain boundaries shall tie into the effective floodplain

(6) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

(7) Both the current and proposed floodways shall be shown on the map.

(8) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) Expiration. All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

E. Zoning Agency.

1. The City Plan Commission shall:

a. Oversee the functions of the office of the Administrator; and

b. Review and advise the Common Council on all proposed amendments to this ordinance, maps and text.

2. **The City Plan Commission shall not**:
a. Grant variances the terms of the ordinance in place of action by the Board of Zoning Appeals; or;
b. Amend the text or zoning maps in place of official action by the Common Council.

F. Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal , state, and local agencies, including but not limited to those required by the U.S Army Corps of Engineers under § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

G. Public Information.
1. Place marks on structures to show the depth of inundation during the regional flood .
2. All maps, engineering data and regulations shall be available and widely distributed.
3. Real estate transfers should show what floodplain district any real property is in.

SECTION 9.0
ZONING BOARD OF APPEALS

9.01 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals for the City of Kenosha for the purpose of hearing appeals, granting variances and exceptions to the provisions of this Zoning Ordinance and issuing special permits provided for by this Ordinance. Hereafter, the Zoning Board of Appeals shall be referred to as "Board".

9.02 MEMBERSHIP

The Board of Appeals shall consist of five (5) members appointed by the Mayor subject to confirmation of the Common Council for terms of three (3) years, as provided in Section 62.23(7)(e)(2) of the Wisconsin Statutes. All terms shall commence on the first day of May of the year of appointment and shall terminate on the 30th day of April of the final year of the term of office. The members of the Board shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one (1) of the members as Chairperson. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Mayor shall appoint, for staggered terms of three (3) years, two (2) alternate members of such Board, in addition to the five (5) members above provided for. The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest, or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent, or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

9.03 ORGANIZATION

The Board shall adopt rules for the conduct of its affairs not inconsistent or in conflict with the provisions of this Ordinance.

A. Meetings and Deliberations. The meetings of the Board shall be held at the call of the Chairman, or any three (3) regular members and at such other times as the Board shall determine. All meetings, hearings, deliberations and voting of the Board shall be open to the public. However, after a public hearing has been closed, no one, except with permission of the Board, shall interrupt or participate in the deliberations of the Board.

B. Minutes. The Board shall keep minutes of the proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact. The Board shall keep records of its official actions, all of which shall immediately be filed in the office of the Administrator and shall constitute a public record.

C. Concurring Vote. A majority vote of the Board shall be necessary to grant a variance or reverse any order, decision, determination or requirement of the Administrator, or to decide on any matter upon which the Board is required to pass under the provisions of this Ordinance. The grounds for every such action shall be stated within the minutes of the hearing. A quorum of four (4) members is required to conduct a meeting or hearing.

9.04 POWERS AND DUTIES

The Board shall have all of the powers and duties prescribed by law and by this Ordinance and which are more particularly specified below. The Board must, in any appeal, make findings of fact and in considering

special permits, require compliance with the standards of **§9.05** of this Ordinance, when taking the following actions:

A. Interpretation. Hearing an appeal from a decision by the Administrator, to decide any question involving the interpretation of the words, terms, rules, regulations, provisions and restrictions of this Ordinance, where there is doubt as to the meaning thereof, including the determination, under **§2.02 A.5.** of this Ordinance, whether other uses are permitted in a zoning district by virtue of being similar and compatible to the permitted or accessory uses allowed in the same district.

B. Variances. Hearing an appeal from a decision by the Administrator, to vary or adopt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land, building or structure involved. However, no action of the Board shall have the effect of permitting in any district uses which are prohibited in such district by this Ordinance.

C. Assistance. The Board may request assistance from other City officers, departments, commissions and boards.

D. Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

E. Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official Floodplain Zoning Map.

9.05 FINDINGS AND STANDARDS FOR APPROVAL

A. Factual Findings for Interpretations. No appeal upon the interpretation of the words, terms, rules, regulations, provisions and restrictions of this Ordinance shall be granted by the Board unless it finds by the preponderance of the evidence that all of the following facts and conditions exist and so indicates such in the minutes of the proceedings:

1. That there is a reasonable difference of interpretation as to the specific intent of the word, term, rule, regulation, provision and restriction of the Ordinance.

2. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

3. That the resulting interpretation is in the best interest of the City of Kenosha and consistent with the spirit and intent of this Ordinance.

B. Factual Findings for Variances. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds by the preponderance of the evidence that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings:

1. Preservation of Intent. No variance shall be granted which is inconsistent with the purpose and intent of the regulations for the district in which the use, building or structure is located. No variance shall have the effect of permitting a use in any district that is not a listed permitted use, accessory use, or conditional use in that particular district.

2. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, building, structure, or intended use that do not apply generally to other similar

lots, buildings, structures or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to amount to an amendment of this Ordinance or a rezoning.

3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

4. No variance shall be granted that is contrary to the health, safety and general welfare of the City of Kenosha.

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.

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 Administrator or the person

contesting the boundary location to petition the governing body for a map amendment according to **Section 10.06.**

9.07 PROCEDURES

A. Application. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal.

All appeals and applications to the Board shall be made in writing upon forms provided by the Administrator and shall be filed, in duplicate, in the office of the Administrator and shall include a receipt from the City Clerk/Treasurer indicating payment of the fee therefor established by the Common Council, from time to time, by Resolution. No appeal or application to the Board shall be considered until the appellant or applicant pays the applicable fee. Each appeal or application shall refer to the specific provision(s) of the Ordinance in issue and shall set forth the interpretation thereof that is claimed, the details of the variance which is sought and the grounds upon which it is claimed it should be granted, or the use for which the special permit is applied for, whichever is relevant.

The applicant shall also submit a complete list of names and addresses of all surrounding property owners within one hundred (100') feet of the property, excluding street right-of-ways. Such list shall include the names and addresses of the owner appearing on the most current tax roll of the City. When such appeal or application is filed with the Administrator, he shall forthwith transmit to the office of the Board one of the duplicate copies of such appeal or application.

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.

C. Notification of Surrounding Property Owners. Utilizing the list of surrounding property owners and postage submitted by the applicant or appellant, the Administrator shall mail to all such listed property owners, by regular mail, a copy of the public notice for the proposed appeal or application. It shall be sufficient that such written notice is addressed to the owner appearing on the most current tax roll of the City and addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll, or no address appears thereon, the written notice to such property shall not be required. Failure of a property owner to receive said notice shall not invalidate any action taken by the Board.

9.08 BOARD OF APPEALS ACTION

A. Decision. Following the public hearing and after careful consideration of the appeal or application, the Board shall decide on the proposed appeal or application. Such decision may reverse, affirm or modify, wholly or in part, the decision of the Administrator appealed from, or may approve or disapprove the proposed variance or special permit. All such decisions and findings of the Board on an appeal or application shall be the final administrative decision thereon and shall only subsequently be subject to judicial review. However, if new facts or evidence are made available to the Board by the appellant or applicant, the Board may decide,

upon majority vote, to rehear a previously determined matter. Only the appellant or applicant may request the Board to rehear a previously determined matter and such request must be filed with the office of the Board no later than ten (10) days after the date of the Board meeting at which the decision was previously rendered. If such request is not filed with the Board by the specified date, no request for the Board to rehear the previously determined matter shall be received, considered or granted by the Board.

B. Record of Decision. The Board's final decision shall contain a full record of the findings of the Board, which shall constitute a public record on file in the office of the Administrator. A signed copy of the Board's decision shall be transmitted to the appellant or applicant.

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 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.

D. Transferability. All variances and other decisions of the Board shall run with the land and be considered transferable to any subsequent owner of the land or premises.

9.09 LEGAL PROCEEDINGS

A. Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board, after the notice of appeal has been filed with the Administrator, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to health, life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

B. Review by Court of Record. Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer, or any officer, department, board or bureau of the City may, within thirty (30) days after the filing of the decision in the office of the Administrator, commence an action in a court of record seeking the remedy available by certiorari, pursuant to the provisions of §62.23 (7)(e)(10), Wisconsin Statutes.

C. Boundary Disputes.

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

1. If a floodplain 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;

2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to § 10.06.

D. Variance.

1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant

convincingly demonstrates that:

a. Literal enforcement of the ordinance will cause unnecessary hardship;

b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

c. The variance is not contrary to the public interest; and

d. The variance is consistent with the purpose of this ordinance in §1.04.

2. In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

a. The variance shall not cause any increase in the regional flood elevation;

b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the Regional Flood Elevation; and

c. Variances shall only be granted upon a showing of good and sufficient cause shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

3. **A variance shall not**:

a. Grant, extend or increase any use prohibited in the zoning district.

b. Be granted for a hardship based solely on an economic gain or loss.

c. Be granted for a hardship which is self-created.

d. Damage the rights or property values of other persons in the area.

e. Allow actions without the amendments to this ordinance or map(s) required in § 10.06.

f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

4. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

E. To Review Appeals of Permit Denials.

1. **The Board shall review all data related to the appeal. This may include**:

a. Permit application data listed in §8.05;

b. Floodway/floodfringe determination data in §3.21;

c. Data listed in §3.20 C. where the applicant has not submitted this information to the Administrator; and

d. Other data submitted with the application, or submitted to the Board with the appeal.

2. **For appeals of all denied permits the Board shall:**

a. Follow the procedures of §9.02

b. Consider zoning agency recommendations; and

c. Either uphold the denial or grant the appeal.

3. For appeals concerning increases in regional flood elevation the Board shall:

a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of §10.06; and

b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 10.0
CHANGES AND AMENDMENTS

10.01 AUTHORITY

The Common Council, by Ordinance, following review and recommendation by the Department of Community Development and Inspections and by the City Plan Commission may rezone (change to district boundaries) or amend this Ordinance whenever the public necessity, convenience, or good zoning practice so require.

10.02 INITIATION

A. Rezonings Initiated (Amend The Zoning Map To Change The District Boundaries). A petition to rezone (amend the Zoning Map to change the district boundaries) any lot/land may be initiated by the Common Council, City Plan Commission, or property owners. Where the petition is initiated by property owners, owners of at least fifty (50%) percent of all of the lots/lands sought to be rezoned must sign the petition to rezone the property to a certain district.

A petition to rezone by property owner(s) shall be filed with the Department of Community Development and Inspections of the Department of Community Development and Inspections and shall include/have attached the following:

1. Application Fee. A nonrefundable application fee in the amount established by the Common Council, from time to time, by Resolution, without a concept plan and with a concept plan.

2. Purpose. A statement of the purpose of rezoning.

3. Plot Plan. A plot plan drawn to scale showing the area proposed to be rezoned, its location, its dimensions, and adjacent zoning districts. The lots/lands sought to be rezoned shall also be identified by address(es), tax parcel identification number(s) and legal description.

4. Conceptual Development Plan. A Conceptual Development Plan consisting of, but not limited to, the following:

a. Building Plan. Color rendering of the proposed building(s), inclusive of all elevations. A display board including all facade and roof materials. A general floor plan for proposed buildings.
b. Site Development Plan. Location of buildings, parking lots, access drives, landscaping areas, drainage features and significant material features of the development in compliance with City General and Zoning Ordinances.

5. Land Use and Operational Plan. A Land Use and Operational Plan describing the proposed land uses and a plan of business operation.

6. Additional Information. Additional information as required by the City Plan Commission, Common Council, or Director of Community Development and Inspections at any time during the review process.

The Department of Community Development and Inspections shall prepare a list of the names and addresses of all property owners which are authorized to file a protest petition pursuant to Wisconsin Statutes, and this Ordinance. The Division will mail to all such listed property owners, by regular mail, a notice of the proposed rezoning and a map depicting the location and scope of the proposed rezoning in relation to the adjacent zoning districts. Written notice shall be addressed to the owner appearing on the most current

tax roll of the City at the address stated on said tax roll. If no owner or address for the owner appears on the tax roll, the written notice to such property owner shall not be required. Failure of a property owner to receive said notice shall not invalidate any action taken by the Common Council due to the publication of a legal notice in the official City newspaper.

B. Ordinance Amendments. An Ordinance amendment may be initiated and sponsored by the Mayor, Common Council, an Alderperson, Alderpersons, or the City Plan Commission.

C. Lands Coming Into the City through Boundary Adjustment Agreement or a Special Act of the State Legislature. The Common Council may divide areas of land depicted as Parcels A1 through A10 on the map identified in Article IV A of the "Agreement to Clarify and Ultimately Supersede the 1984 Cooperative Agreement for Orderly Development between the City of Kenosha and the Town of Pleasant Prairie" effective December 12, 1988, coming into the City through boundary adjustment agreement under authority of §66.027, Wisconsin Statutes, or through a special Act of the State Legislature, into zoning districts in accordance with the City Zoning Ordinance and as depicted on the Official City Zoning Map and may cause said areas of land to be placed into said Zoning Ordinance districts upon the effective date any such parcel of land comes into the City. The procedure specified in §62.23(7)(d)1, Wisconsin Statutes, for preparing and recommending zoning districts for such areas of land shall be followed.

10.03 RECOMMENDATIONS

The City Plan Commission shall review all proposed rezonings and amendments and shall recommend to the Common Council that the petition be granted as requested, modified or denied.

10.04 HEARINGS

The Common Council shall hold a public hearing upon each rezoning or amendment after publishing a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the date, time, place, and rezoning or amendments proposed. The City Clerk shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000') feet of any land to be affected by the proposed rezoning or amendment.

10.05 COMMON COUNCIL'S ACTIONS

A. Common Council Action. Following such hearing and after careful consideration of the City Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed rezoning. Rezonings, except where a valid protest petition is filed, shall require a simple majority vote of the members of the Common Council voting on the proposed rezoning.

B. Conceptual Development Plan Consistency Required. The Rezoning Ordinance shall contain a requirement that the development of the property be consistent with conceptual development plans required in **Section 10.02 A**.

10.055 ANNUAL REVIEW OF ZONING MAP AMENDMENTS

Zoning Map amendments petitioned by a majority of property owners and subsequently approved by the Common Council for a proposed development shall be reviewed on an annual basis by the City Plan Commission. The Commission shall evaluate and recommend whether the zoning classification should be amended in the event that site development has not commenced.

10.06 FLOODLAND DISTRICT BOUNDARY CHANGES LIMITED

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.

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 0.00 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 0.00 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 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 0.00 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 0.00 foot. 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 0.00 foot increase in flood stage unless appropriate legal arrangements have been made.

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. Procedures For Amendment of Floodland Districts. Ordinance amendments may be made upon petition of any party according to the provisions of §62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by §§5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

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 Department Regional Office of the Wisconsin Department of Natural Resources for review prior to the hearing. The amendment procedure shall comply with the provisions of §62.23, Stats.

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,causing any increase in the regional flood height 0.00 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 Common Council.

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 and other available information.

G. Amendments. Obstructions or increases 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 §8.1.

1. **In AE Zones** with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with §8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

2. **In A Zones** increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with §8.1.

H. General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in §8.2 below. Actions which require an amendment to the ordinance and/or submittable of a Letter of Map Change (LOMC) include, but are not limited to, the following :

1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

2. Any change to the floodplain boundaries and/or watercourse alterations on the Flood Insurance Rate Map;

3. Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);

4. Any floodplain fill 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;

5. Correction of discrepancies between the water surface profiles and floodplain maps;

6. Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

7. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the

floodway or the floodfringe that is based on a base flood elevation from a Flood Insurance Rate Map requires prior approval by FEMA.

10.07 PROTEST

In the case of a protest against a proposed rezoning, duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of the land included in such proposed rezoning, or by the owners of twenty (20%) percent or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20%) percent or more of the land directly opposite thereto extending one hundred (100') feet from the street frontage of such opposite land, such proposed rezoning shall not be come effective except by the favorable vote of three-fourths (3/4's) of the members of the Common Council voting on the proposed change.

10.08 SHORELAND - WETLAND DISTRICT AMENDMENTS

A. Amendments. The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this Ordinance in accordance with the requirements of §62.23(7)(d)2, Wisconsin Statutes, NR 117, Wisconsin Administrative Code, and the following:

1. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency;

2. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held as required by §62.23(7)(d)2, Wisconsin Statutes. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

B. Criteria. In order to insure that this Ordinance will remain consistent with the shoreland protection objectives of §144.26, Wisconsin Statutes, the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against erosion;
5. Fish spawning, breeding nursery or feeding grounds;
6. Wildlife habitat; or,
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat or endangered species.

C. DNR Review and Notification.

1. Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in **§10.08 B.** of this Ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

2. The appropriate district office of the Department shall be provided with:

a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the municipal governing body.

b. Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.

3. If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in **§10.08 B.** of this Ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department, as required by **§10.08 C.2.b.** of this Ordinance. If within the thirty (30) day period, the Department notifies the municipality that the Department intends to adopt a superseding Shoreland-Wetland Zoning Ordinance for the municipality as provided by §62.231 (6), Wisconsin Statutes, the proposed amendment shall not become effective until the Ordinance adoption procedure under §62.231 (6), Wisconsin Statutes, is completed or otherwise terminated.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 11.0
FEES, PENALTIES AND ENFORCEMENT

11.01 FEES

The Common Council shall, from time to time, establish fees by Resolution for the following reviews and services which are provided by City Departments, Boards, Commissions, Committees, Authorities and the Common Council:

A. Airport Site Plan Reviews.

B. Annexation Agreements.

C. Avigation Easements.

D. Conceptual Plan Review For Conditional Use Permit/Site Plan Review/Rezoning. Conceptual Plan Review entitles the applicant to two (2) permitted reviews: one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted upon payment of a resubmittal fee therefor, established by the Common Council, from time to time, by Resolution.

E. Conditional Use Permits.

F. Development Agreement For a Conditional Use Permit/Site Plan Review. Development Agreement fee is in addition to Conditional Use Permit/Site Plan Review fee.

G. Document Recording. This fee does not include fees charged by any other organization or governmental unit.

H. Conceptual Neighborhood Plan Review. This fee applies to plans prepared by the property owners or agents thereof.

I. Neighborhood Plan Amendment. This fee applies only to amendments of adopted Neighborhood Land Use Plans.

J. Review Authority Appeal.

K. Changes To District Boundaries (Rezonings).

L. Zoning/Floodplain Verification Letter.

M. Boarding of Zoning Appeals.

N. Planned Development Overlay District (PDO).

O. Fee Reduction. A five (5%) percent fee reduction shall apply to all Conditional Use Permits, Site Plan Reviews, and changes to district boundaries (rezonings) when the permit is for a parcel of land which is located within a Federally designated enterprise zone or State designated development zone. There shall be no fee to file a petition for a variance which would, if granted, increase the accessibility of any building to the physically challenged.

P. Reinspection Fees. To compensate the City for inspection and administrative costs, a fee may be

charged for any reinspection following an initial inspection which resulted in a order for corrective action. There shall be no reinspection fee for a final inspection indicating compliance or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order. The Common Council shall from time to time, by Resolution, establish such Reinspection Fees.

11.02 PENALTIES

Any person, party, firm or corporation who violates any of the provisions of this Ordinance shall upon conviction be subject to a forfeiture of not less than Twenty-five ($25.00) Dollars, nor more than One Thousand ($1,000.00) Dollars for each offense, plus the cost of prosecution. In default of payment thereof, the violator may be imprisoned in the Kenosha County Jail for a term not to exceed ninety (90) days or until such forfeiture and costs have been paid. Each day that a violation continues to exist shall constitute a separate offense. In any such action, the fact that a permit shall have been issued by any officer, Department or subunit of the City of Kenosha, shall not constitute a defense nor shall any error, oversight, or dereliction of duty on the part of any officer, Department or subunit of the City constitute a defense. In cases where the above penalty conflicts with any other penalty established by this Ordinance, the most severe penalty shall apply.

11.021 FLOODPLAIN ENFORCEMENT AND PENALTIES.

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $25.00 and not more than $50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen there of pursuant to §87.30, Wis. Stats.

11.03 ENFORCEMENT

In cases where any building or structure is, or is intended to be erected, constructed, reconstructed, altered, moved, or converted, or any building, structure or premises is, or is intended to be used in violation of, or contrary to the provisions of this Ordinance, the City Attorney shall, in addition to other remedies set forth in §62.23 of the Wisconsin Statutes, and in this Ordinance, institute action to enjoin, or take any other appropriate action or proceeding, to prevent such erection, construction, reconstruction, alteration, conversion or use.

11.04 RECURRING VIOLATION

As used herein, "recurring violation" shall mean a second, or any subsequent violation of any provision of this Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be the responsible person. Whenever a notice of violation and order has been issued to the responsible person or tenant, where relevant, for a violation of this Code, no further notice and order shall be necessary for any recurrence of the same or similar violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a Court of record.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 12.0
DEFINITIONS

A. General Definitions. For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word **"person"** includes a firm, association, partnership, trust, company or corporation as well as an individual. The word **"shall"** is mandatory and the word **"may"** is permissive. When applicable, pronouns and relative words herein shall be read as plural, feminine or neuter. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

B. Specific Words and Phrases.

A Zones. Those areas shown on the Official Floodplain Zoning which would be inundated by the regional flood. These numbers 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.

AH Zone. See "Area of Shallow Flooding"

AO Zone. See " Area of Shallow Flooding"

Accessory Building or Structure. A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure, or the use of the land, i.e., garage, shed.

Accessory Use. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or structure, or the use of the land.

Accessway. See "Thoroughfare".

Addition. Any construction which increase the outside dimensions of a building or structure.

Administrator. Shall mean the "Director of the Department of Community Development and Inspections".

Adult Day Care Center. Any establishment which provides supplemental care and guidance for adults during the whole or any part of the day.

Agriculture. The use of land for agricultural purposes, including farming, pasturage, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Air Strip or Landing Field. Any land intended for the landing or takeoff of aircraft.

Alley. A public thoroughfare less than thirty (30) feet in width.

Alteration. An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating , air conditioning and other systems within a structure.

Alternative Tower Structure(s). An existing manmade building, structure, Communication Tower or Radio/Television/Relay Tower to which an antenna and/or an antenna support structure is attached.

Aluminum Collection Center. A facility used for the temporary storage of empty aluminum beverage cans and other discarded aluminum products, provided non-aluminum products such as insulation, glass, etc., are removed from the aluminum prior to bringing it to the Collection Center.

Amendment. A repeal, revision or modification of or supplement to the Zoning Ordinance text.

Amusement Enterprises. As defined in Chapter 12 of the Code of General Ordinances.

Animal Unit. One animal unit shall be defined as being the equivalent of the following: one (1) 1,000 pound steer; one (1) dairy cow; four (4) swine; ten (10) sheep; one hundred (100) laying hens; one hundred (100) broilers; one (1) horse or one hundred (100) turkeys.

Antenna(s). Any exterior transmitting or receiving device mounted on a tower, building or structure, intended for transmitting or receiving digital, microwave, cellular, telephone or similar forms of electromagnetic communication.

Arcade. A series of arches supported by columns or piers; a building or part of a building with a series of arches; a roofed passageway, especially with shops on either side.

Architectural Masonry. The following materials shall be considered architectural masonry: brick, decorative concrete block, decorative/textured concrete panels, masonry siding and stone.

Area of Shallow Flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

Artisan. A skilled manual worker who crafts items, including, but not limited to, food, clothing, jewelry, household items, pottery, sculptures, and tools.

Artisan Manufacturing. The on-site production of handmade items by an artisan or group of artisans that is conducted within an artisan studio.

Artisan Studio. Artisan Studio shall mean a building or portion thereof used for the purpose of the display and sale of individually crafted handmade items.

Assisted Living Facility. The definition of "Assisted Living Facility" set forth in Section 50.01(1d), Wisconsin Statutes, is adopted and incorporated herein and restated below:

"Assisted Living Facility" or **"Facility"** means a place where five (5) or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than twenty-eight (28) hours per week of services that are supportive, personal and nursing services. "Assisted Living Facility" does not include a nursing home or a community-based residential facility, but may be physically part of a structure that is a nursing home or community-based residential facility.

Awning. A roof-like shelter of canvas or other material extending over a doorway, from the top of a window, over a deck, etc., in order to provide protection, as from the sun.

Back Yard. That area of the yard located directly behind the principal physical structure which extends up to the rear lot line as defined.

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.

Base Line. A definite line adopted as a base or foundation from which setback line measurements are carried or on which they depend or rest and to which other lines and points may be referred.

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.

Bed and Breakfast Enterprises. Any place of lodging that provides rooms for rent for more than ten (10) nights in a twelve (12) month period, is occupied by the owner or an employee at the time of rental, and in which meals are served only to guests.

Beauty Salon. Any commercial establishment wherein cosmetology is offered or practiced on a regular basis for compensation.

Board. Shall mean the "Board of Zoning Appeals".

Boathouse. As defined in §30.121(1), Wisconsin Statutes, means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination on or off the premises or for limited wholesaling purposes.

Body-Piercing Establishment. An establishment where a body piercer performs body-piercing. Such terms are defined in Section HFS 173, Wisconsin Administrative Code, and Section 252.23, Wisconsin Statutes.

Brewpub. An accessory use of a restaurant, tavern, cocktail lounge or package beverage store which manufactures, processes or stores limited quantities of fermented malt beverages, as defined in Chapter 125, Wisconsin Statutes, for consumption on or off the premises or for limited wholesaling purposes.

Build-To Line. A line parallel to a lot line or if adjacent to a major street, parallel to the setback line of any major street, which line is spaced a distance from the lot line or the setback line of any major street, the distance of spacing being specified in Section 3, along which line a portion of a building, determined by use, must be built.

Buildable Area. The portion of a lot remaining after required yards have been provided.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or personal property. When separated by party walls without openings it shall be deemed a separate building except as provided in **§§3.03 B.5.** and **3.03 C.2.a.(5)**.

Building - Detached. A building surrounded by open space on the same lot and having no structural connection with another building.

Building - Height Of. The vertical distance from the grade of the front of the building to the highest point of the roof surface, if a flat roof; and to the highest peak if a gable, hip, mansard or gambrel roof.

Building Line. A line, usually fixed parallel to the lot line, beyond which a building or structure cannot extend under the terms of this Ordinance.

Building Line - Existing. A building line formed by an existing building or structure which is in existence prior to the effective date of this Ordinance which conformed to the provisions established prior to the effective date of this Ordinance.

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.

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

Camping Unit. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van , pickup truck, or tent that is fully licensed, if required, and ready for highway use.

Carport. A structure having a roof, or common wall with the principal or accessory building and not more than one closed wall, the rest remaining open meeting the area specifications set for in **§5.08** of the Code of General Ordinances for parking spaces.

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.

Change To District Boundaries. A change in the Zoning Map modifying the zoning district designation of a lot(s) or parcel(s), also known as a rezoning.

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

City. The City of Kenosha, Wisconsin, the Kenosha Water Utility, or any subunit of the City.

City Attorney. Shall mean the "City Attorney of the City of Kenosha".

City Clerk/Treasurer. Shall mean the "City Clerk/Treasurer of the City of Kenosha".

City-Owned Site(s). Any site that is owned, leased or otherwise controlled by the City of Kenosha, the Kenosha Water Utility or any subunit of the City.

City Plan Commission (CPC). Shall mean the "City Plan Commission".

Class 2 Public Notice. Means publication of a public hearing notice under Chapter 985, Wisconsin Statutes, in a newspaper or circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

Clinic - Medical Or Dental. An individual or organization offering medical, chiropractic and/or dental services, operated by a State licensed health practitioner. A clinic shall not include inpatient care.

Club Or Lodge - Civic, Social & Fraternal(NonProfit). A nonprofit association of persons, who are bona fide members paying dues, which owners, hires or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It

shall be permissible to serve food, meals and beverages on such premises.

Code of General Ordinances. Shall mean the "Code of General Ordinances of the City of Kenosha".

Co-Location. The provision of more than one (1) commercial wireless communication service provider or government entity on a single tower or structure.

Communication Tower(s). A monopole or lattice tower, constructed as a freestanding structure or in association with another permanent building, structure or equipment containing one (1) or more Antennas intended for transmitting or receiving television digital, microwave, cellular, telephone or similar forms of electromagnetic communication, exclusive of Radio/Television/Relay Towers.

Community Living Arrangements. The definition of Community Living Arrangements set forth in §62.237 (i), Wisconsin Statutes, is adopted and incorporated herein by reference.

Conditional Use. Use of a special nature as to make impractical their predetermined classification as a permitted use in a district.

Conditional Use Permit. Authorizes the use of a building, structure or land according to stated conditions.

Convenient Cash Business(es). Also referred to as "payday loan business", "title for cash business", "check cashing business", or similar enterprise, shall mean any business licensed pursuant to Sections 138.09 or 218.05, Wisconsin Statutes, which provides nontraditional, short-term consumer loans by accepting a check or title, holding the check or title for a period of time before negotiating or presenting the check or title for payment, and paying to the issuer an agreed upon amount of cash, or refinancing or consolidating such a transaction.

Council (CC). Shall mean the "Common Council".

Court. An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

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.

Cubic Content. As defined in **Chapter 9** of the Code of General Ordinances.

Curb Level. The mean level of the established curb in front of the building. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.

Decks. An unenclosed or partially enclosed exterior structure which has a floor, and does not extend above the first floor of the principle structure. Also, an unenclosed or partially enclosed exterior structure, which has a floor and is attached to or adjacent to a swimming pool, constitutes a deck. A hard surface platform, without structural support, constructed at grade level, does not constitute a deck.

Density. Density is expressed as "dwelling units per acre". Areas used in computing "density" are the actual sites devoted to the residential use and consist of the area of the lot and any private roads.

Department. Means the Wisconsin Department of Natural Resources.

Department of Community Development and Inspections (DCDI). Shall mean the City of Kenosha Department of Community Development and Inspections.

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.

Development. (Relative to Shoreland-Wetlands) Means any manmade 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 substantial alterations to buildings, structures; the placement of buildings or structures; ditching, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Development Standards. Minimum requirements and maximum allowable limits established for the

effects and characteristics of conditional uses.

Digital Display Off-Premise 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.

District - Basic Or Underlying. A part or parts of the City for which the regulations of this Ordinance governing the use and location of land and buildings are uniform, such as the Residential, Business, Manufacturing, Institutional-Park and Floodway District classifications.

District - Overlay. Overlay districts provide for the possibility of superimposing certain additional requirements or different regulations upon a basic zoning district without disturbing the requirements and regulations of the basic zoning district. In the instance of conflicting requirements or regulations, unless otherwise provided, the more strict of the conflicting requirements or regulations shall apply.

Drainage System. Means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Drive-thru Facility. An improvement to a new or existing building which expands the use and physical characteristics of the property so as to permit patrons and customers who are operators or passengers in a motor vehicle, to receive a service or obtain a product on or from the exterior of the property.

Driveway Apron. Shall mean that surface paved or graveled located on private property a minimum of nine (9') feet in width which extends from the street right-of-way to the accessory building or its termination, whose intended use is egressing and ingressing the property with motor-driven vehicles. The width of the driveway apron shall not exceed the width of the driveway approach at the property line, unless a variance is obtained therefor.

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.

Dwelling Unit. Two or more rooms in a residence designed for and occupied by not more than one family for living and sleeping purposes and containing only one (1) kitchen. Dwelling unit shall be the unit of measure in determining minimum lot area and parking requirements.

Dwelling Unit - Efficiency. One room in a residence designed for and occupied by not more than two (2) persons for living and sleeping purposes and containing a kitchenette.

Egg Production-Commercial. An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.

Elderly shall mean a person of the age of fifty-five (55) years or greater.

Elderly Housing. Multiple-family development designed, constructed, and managed for exclusive and permanent occupancy by elderly resident.

Encroachment. Any fill, structure, equipment, building, use or development in the floodway.

Environment Control Facility. Means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting applicable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Equal Degree Of Hydraulic - Encroachment. The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

Equal Degree Of Hydrologic Encroachment. The effect of any development on the storage capacity of a floodplain area, particularly upstream from urban areas, is analyzed assuming an equal loss of flood storage for all property owners in the storage area of a floodplain on both sides of a river or stream for the entire watershed of that river or stream.

Essential Municipal And Utility Services. Services provided by public and private utilities, necessary

for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewer, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, and hydrants, but not including buildings or utility substations.

Family. Family shall be defined as the occupancy of a place of resident for sleeping or lodging purposes by one of the following:

- An individual; or,
- Two (2) or more persons all of whom are related to each and every other by blood or marriage. Servants and children placed in a foster home under the provisions of Chapter 48, Wisconsin Statutes, shall be treated as if they were related by blood or marriage to the other members of said family unit provided family units licensed under Chapter 48 shall maintain and comply with the terms of their license, and no more than two (2) unrelated individuals; or,
- Four (4) or less persons unrelated to each and every other by blood or marriage.
- The number of unrelated individuals authorized to reside in a Community Living Arrangement, consistent with Section 62.23(7)(i.), Wisconsin Statutes.

Farm. A zoned area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, etc. and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine, etc..

Farming. The business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring for and harvesting the crop.

Federal Emergency Management Agency. The Federal agency that administers the National Flood Insurance Program.

Feedlot Commercial. The following shall be considered feedlots:

- Any tract of land or structure where any type of fowl or the by-products thereof are raised for sale at wholesale or retail.
- Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
- The raising of swine under any conditions. An animal confinement facility used or designed for the feeding or holding of 500 or more animal units for a period of thirty (30) days or more.

FEMA. See "Federal Emergency Management Agency".

Fenestration. The detailing or arrangement of windows in a wall.

Finished Grade. The average elevation of the finished surface of the ground adjacent to the exterior walls of the building or structure.

FIRM. See "Flood Insurance Rate Map".

First Floor. That portion of a building included between the first floor elevation and surface of the floor next to it.

First Floor Elevation. The elevation of that first floor which has the lesser dimension from finished grade to finished floor.

FIS. See "Flood Insurance Study".

Fixed Houseboat. As defined in §30.121(1), Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

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.

Flood Area - Gross. The total area of all floors of a building as measured to the outside surface of exterior walls.

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 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.

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 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.

Floodplain Violation. The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Flood Profile. A graph or 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.

Flood Protection Elevation. A point two (2) feet above the water surface elevation of the one hundred (100) year recurrence interval flood. This safety factor, also called a "freeboard", is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.

Flood Stage. The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.

Floodplain. See "Floodlands".

Floodplain Fringe. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

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.

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.

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.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry 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 jambs, 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.

Front-facing Garage. An attached garage where the overhead doors are parallel to the front yard and visible from the public right-of way. Pertaining to corner lots, front-facing garages shall also be defined where the overhead doors are parallel to the street-side yard and where the primary entrance also is parallel to the street-side yard.

Frontage. All the property fronting on one side of a street between intersecting or intercepting streets, or between a street and existing or proposed right-of-way, waterway, end of deadend street, the center line of the right-of-way intersecting with the apex of a cul-de-sac, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frontage - Primary. For fence regulation purposes only, primary frontage is the lot frontage of a building at the main entrance.

Funeral Home. An establishment defined in Chapter 156.01(5), Wisconsin Statutes, for the care and preparation for burial or transportation of dead human bodies or for the holding or conducting of funeral services. Funeral homes may include a crematorium facility as a part of the establishment.

Fur Farm. Any property comprising land, buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in §29.01(3)(c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

Garage. A detached accessory building or portion of a principal building which is fully enclosed when the doors are closed, used for the parking or temporary storage of motor vehicles.

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

Handicapped. Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

1. "Physical or Mental Impairment" includes:

a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; or endocrine; or,

b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

2. "Major Life Activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

3. "Has a record of such an impairment" means:

a. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated as constituting such a limitation;

b. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or,

c. Has none of the impairments defined in this section but is treated as having such an impairment.

Handmade. The design and creation of items from raw materials and its finishing and decoration accomplished by hand labor and/or by manually controlled methods that permit the maker to control and vary the construction, shape, design, and/or finish of each individual piece, but does not exclude the use of hand tools and equipment, nor does it exclude the hand assembly of pre-manufactured components in a creative manner.

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 required 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.

High Water Elevation. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such information is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct make by erosion, change in, or destruction of, vegetation or other easily recognizable topographic, geologic, or vegetative characteristics.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic District, Structure, or Site. As defined and designed by the Common Council as provided in **Section 15** of this Ordinance.

Home Occupation. An accessory use of a residence for gainful self-employment involving the uses specified in **§3.03 E.** of this Ordinance.

Hotel or Motel. Shall have the meaning provided for in HSS 195, Wisconsin Administrative Code.

Household Stable. A structure not more than twenty (20') by twenty (20') feet used for the sheltering of not more than two (2) horses.

Husbandry. The cultivation or production of plants and animals (livestock) and/or the byproducts thereof.

Increase In Regional Flood Height. A calculated upward rise in the regional flood elevation, equal to or greater than 0.00 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.

Kennel. Any establishment wherein four (4) or more dogs or cats over the age of six (6) months of age are kept, boarded, bred and/or offered for sale or trade.

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

Large Scale Commercial Development. A commercial development which contains building(s) exceeding two hundred thousand (200,000) square feet of total building area, and/or a single building or individual tenant space exceeding one hundred thousand (100,000) square feet of building in area, and meets the criteria of **Section 4.06 B.22.a.**

Lattice Tower(s). A tower that consists of vertical and horizontal supports and crossed braces.

Letter of Map Change. A letter which reflects an official revision to an effective National Flood Insurance Program map. Letter of Map Changes are issued in place of the physical revision and republication of the effective map.

Letter of Map Revision. FEMA's modification to an effective Flood Insurance Rate Map, or Flood Boundary and Floodway Map, or both. Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area. The Letter of Map Revision officially revises the Flood Insurance Rate Map or Flood Boundary and Floodway Map, and sometimes the Flood Insurance Study report, and when appropriate, includes a description of the modifications. The Letter of Map Revision is generally accompanied by an annotated copy of the affected portions of the Flood Insurance Rate Map, Flood Boundry and Floodway Map, or Flood Insurance Study report. All requests for changes to effective maps, other than those initiated by FEMA, must be made in writing by the Chief Executive Officer of the community or an official designated by the Chief Executive Officer. Because a Letter of Map Revision officially revises the effective National Flood Insurance Program map, it is a public record that the community must maintain. Any Letter of Map Revision should be noted on the community's master flood map and filed by panel number in an accessible location.

Licensed Capacity. The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, as determined by the required floor space per person established in the Wisconsin Administrative Code.

Livable Space. That part of the building which is enclosed and supported upon the main foundation system of the structure, excluding garages, unfinished basements, bay windows, porches and breezeways.

Livestock Animal. Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding furbearing animals.

Loading Space. Any off-street area provided in a business or manufacturing district for the circulation, maneuvering, or temporary parking of trucks for the purpose of loading or unloading raw materials or manufactured goods.

Lot. Land occupied or to be occupied by a building or unit group of buildings, accessory buildings and/or structures, and/or uses, together with such yards, open spaces, lot width and lot area as are required by this Ordinance and having frontage upon a public street, or officially approved accessway.

Lot - Area. The total horizontal area within the lot lines of the lot.

Lot - Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersections shall have an angle of one hundred thirty-five (135°) degrees or less, measured on the side lot line.

Lot - Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot - Double Frontage. An interior lot having street frontage on the front and the rear of the lot.

Lot - Interior. A lot other than a corner lot.

Lot Line - Front. In the case of an interior lot, a line separating the lot from the street or accessway, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

Lot Line - Interior. A side or rear lot line which separates the lot from another lot.

Lot Line - Rear. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line - Side. Any lot boundary line not a front lot line or a rear lot line.

Lot Line - Street Side. A side lot line which separates the lot from the street or accessway.

Lot - Through. A lot having frontage on two (2) parallel or approximately parallel streets.

Lot of Record. A lot which is part of a subdivision recorded in the office of the Kenosha County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded in said office, or a certified survey which has been recorded in said office.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.

Lowest Adjacent Grade. Elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Maintenance. The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

Major Streets. The greater, more important streets forming the radial, arterial and crosstown thoroughfares of the City of Kenosha.

Manufactured/Mobile Home. As defined in Chapter 20 of the Code of General Ordinances.

Manufactured/Mobile Home Park. As defined in Chapter 20 of the Code of General Ordinances.

Mobile/Manufactured Home Park or Subdivision, Existing. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of

utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/Manufactured Home Park, Expansion to Existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

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".

Model, Corrected Effective. A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

Model, Duplicate Effective. A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, Effective. The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

Model, Existing (Pre-Project). A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

Model, Revised (Post-Project). A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

Monopole Tower(s). A tower consisting of a single pole or spire self-supported without guy wires.

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

NAVD. See "North American Vertical Datum".

Navigable Waters. Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under §144.26(2)(d), Wisconsin Statutes, other provisions of law or administrative rule promulgated thereunder, shoreland ordinances required under §§61.351 or 66.221, Wisconsin Statutes, and Chapter NR 117, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- Such lands are not adjacent to a natural navigable stream or river;
- Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and,
- Such lands are maintained in nonstructural agricultural use.

New Construction. For Floodplain Management purposed, "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.

NGVD. See "National Geodetic Vertical Datum".

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.

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

Nuisance. A wrong that arises from the unreasonable, unwarranted, or unlawful use by a person of his/her own property, either real or personal, or from his/her own improper, indecent, or unlawful personal conduct, which wrong works as an obstruction of or injury to the right of another or of the public, which wrong interferes with the comfortable enjoyment of life or property, which wrong obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin, or any public park, square, street or highway, or which wrong produces material annoyance, inconvenience, discomfort, or hurt. When used in the context of sound, "nuisance" is further characterized as a sound which annoys or disturbs a reasonable person of normal sensibilities.

Nursery and Childcare Center. Any establishment which provides supplemental parental care and supervision, and/or educational instruction to preschool age children during the whole or any portion of the day.

Nursing Home. The definition of Nursing Home set forth in Section 50.01(3) Wisconsin Statutes, is adopted and incorporated herein by reference. For purposes of this Ordinance, the term shall also mean a place which provides 24 hour services including room and board and room to 3 or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of 7 hours a week. "Nursing Home" does not include any of the following:

1. A convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual.

2. A hospice that directly provides inpatient care.

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.

Occupancy. The use of a building or structure for its intended purpose.

Occupied. A building is occupied when it is open to the public, when a business or manufacturing activity is performed therein, when people reside therein, or when any personal property is moved therein.

Off-Premises Sign. A sign identifying or advertising a business, owner, operator, product, service or commercial activity neither located nor available on the lot or on the group of contiguous lots which functions as a unified business center, upon which lot or group of contiguous lots the sign is located. The term "off premise signs" specifically excludes signs placed on fences or backstops of athletic fields owned or operated by the City, Kenosha Unified Schools, any other governmental agency, or any bona fide educational, religious, or charitable institution. The term "off premises sign" specifically excludes an historical sign as that term is defined in Chapter 15 of the Code of General Ordinances.

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.

Official Letter of Map Amendment. Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

Open Space Use. Those uses having a relatively low flood damage potential and not involving structures.

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.

On-Site Sewage Disposal System. Includes a State approved septic or holding tank or mound system for collection of sanitary waste.

Overhead Door. A door opening for a garage allowing ingress and egress.

Parking Facility(ies). An off-street parking area, including lots from which motor vehicles are sold, but not including salvage yards or areas used to store towed motor vehicles, in any zoning district, which is utilized or constructed for the purpose of storing or parking five (5) or more motor vehicles, whether or not

compensation for such services is charged, except for the following: parking facilities owned or operated by a municipality; and parking facilities owned or operated by industrial or manufacturing establishments and utilized for employee parking or for storing owned or leased vehicles.

Parking Space. A designated place reserved for the placement of a stored or parked motor vehicle exclusive of driveways, ramps, columns, office and work areas.

Permanent Cosmetic Makeup. Procedures performed typically involving eyebrows, eyelashes or lips, or as otherwise recognized and endorsed by The Society of Permanent Cosmetic Professionals, using tattooing techniques.

Permitted Use. A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

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

Philanthropic or Charitable Institutions. Buildings, structures and/or facilities devoted to the betterment and/or improvements of community life; including, but not limited to, youth, educational or charitable institutions and foundations.

Planned Development. A residential development planned as a unit, which is intended to preserve open space and respect the natural characteristics of the land, and as permitted in **§3.22** of this Ordinance.

Porch. A platform at or above ground level adjoining and extending outward from the exterior walls of a building.

Premises. A lot, or a building or structure.

Principal Building or Structure. A building or structure in which is located the principal use of the land.

Principle Use. The main use of the land, building or structure as distinguished from an accessory use. A "principle use" may be "permitted" or "conditional".

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 Safety Communication Tower. A monopole or lattice tower, constructed as a freestanding structure or in association with another permanent building, structure or equipment containing one (1) or more Antennas intended for transmitting or receiving digital, microwave, or similar forms of electromagnetic communication exclusively on behalf of a municipality, including, but not limited to, a law enforcement agency, fire department public works department or military group.

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.

Radio/Television/Relay Tower. A monopole or lattice tower, constructed as a freestanding structure or in association with another permanent building, structure or equipment containing one (1) or more antennas intended for transmitting or receiving television and/or AM/FM radio or similar forms of communication.

Reach. A longitudinal segment of a stream generally including those floodlands wherein flood states are primarily and commonly controlled by the same manmade or natural obstructions to flow.

Rear Lot Access. A minimum open area reserved for purposes of providing ingress and egress to the rear of a residential lot.

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.

Recycling Collection Center. Recycling Center as defined in Chapter 13 of the Code of General Ordinances for the City of Kenosha.

Refuge Center. A facility that is licensed in accordance with Chapter 13 of the Code of General

Ordinances which provides accommodation principally for homeless persons, where the temporary accommodation may include the provision of food, clothing, employment or other support services, but shall exclude lodging.

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.

Religious Institution. Buildings or structures in which a church, chapel, temple, synagogue, convent, seminary, rectory, parsonage, parish house or religious retreat is located.

Residence. A building, or portion thereof designed or used exclusively for residential occupancy, including single-family residences, two-family residences and multiple-family residences.

- **Residence - Single-Family.** A detached building designed exclusively for occupancy by one family.
- **Residence - Two-Family.** A building designated exclusively for occupancy by two (2) families living independently of each other.
- **Residence - Multiple-Family**. A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.
- **Residence - Detached.** See "Building - Detached".
- **Residence - Existing.** A residence which is in existence prior to the effective date of this Ordinance.

Review Authority. The entities responsible for the review and final decision of applications for a Conditional Use Permit which will be the Department of Community Development and Inspections or Common Council whichever is specified within the Zoning Ordinance.

Rezoning. See "Change To District Boundaries".

Riding Stable. A building or premises used for the rent or lease of horses or animals for riding.

Road Stand. A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Rooming and Boarding House. A place where sleeping accommodations are offered for pay to non-transients and all related rooms, buildings and areas.

Salvage Dealer, Shop or Yard. As defined in Chapter 13 of the Code of General Ordinances.

Secondary Religious Facilities. A building or structure which services and is incidental and auxiliary to a religious institution, including statues, towers and chapels.

Self-Service Storage Facility. A building or group of buildings that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers designed primarily for the storage of household items and inventory of small commercial business where storage stalls or lockers are individually leased or rented.

Setback Line of any Major Street. A boundary on a property that is adjacent to or within a Major Street, which boundary is spaced a distance from a Base Line, the distance of the spacing being specified in Subsection 5.03 of this Zoning Ordinance.

Sexually-Oriented Business(es). A Sexually-Oriented Business(es) shall mean any business that exploits interest in sex in a graphic manner. Sexually-Oriented Business shall specifically mean the following:

- **Adult Cabaret.** An establishment or business which regularly or on a frequently recurring basis, features live entertainment that is distinguished or characterized by an emphasis on the exhibiting of "specified anatomical areas" or "specified sexual activities" for observation by patrons therein, or which holds itself out or identifies itself to the public by its name, signs and/or advertising as an establishment where such live entertainment occurs regularly or on a frequently recurring basis, including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification, or by references to "adult entertainment", "strippers", "showgirls", "exotic dancers", "gentlemans' club", or similar terms.
  - **"Specified Anatomical Areas"** shall mean less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below the point immediately above the top of the areola; human male genitals in a discernible turgid state, even if opaquely covered.
  - **"Specified Sexual Activities"** shall mean simulated or actual showing of human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, sodomy, bestiality,

necrophilia, sadomasochistic abuse, fellation or cunnilingus; fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

- **Adult Media Store.** An establishment or business having a substantial or significant portion of its stock and trade in the rental or sale of books, magazines, videotapes, movies, slides, CD-Roms, DVD's, posters, or other devices to display images that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified anatomical areas" or "specified sexual activities".
- **Adult Modeling Studio.** Any establishment or business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:
  - that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and,
  - where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,
  - where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
- **Adult Motion Picture Theater.** An establishment or business located in an enclosed building having an area of not less than six hundred (600) square feet, and emphasizing or predominantly showing movies distinguished or characterized by an emphasis on "specified anatomical areas" or "specified sexual activities" for observation by patrons therein.
- **Adult Novelty Shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for "specified sexual activity" or stimulating such activity.

Sexually-Oriented Business(es) shall specifically exclude, and therefore prohibit, the following:

- **Adult Bath House.** An establishment or business which provides the services of baths of any kind, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin, and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to observe employees or independent contractors exhibiting "specified anatomical areas" or "specified sexual activities".
- **Adult Body Painting Studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on the body of a person who is exhibiting "specified anatomical areas" or "specified sexual activities". For purposes of this Ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
- **Adult Massage Parlor.** An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including, without limitation, exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin, and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to engage in any method of rubbing, pressing striking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, or the opportunity to observe employees or independent contractors exhibiting "specified anatomical areas" or "specified sexual activities".
- **Adult Outdoor Motion Picture Theater.** An establishment located on a parcel of land and emphasizing or predominantly showing movies out-of-doors for observation by patrons, which movies are distinguished or characterized by an emphasis on "specified anatomical areas" or "specified sexual activities".

Shelter Facility. As defined in §560.9808(1)d., Wisconsin Statutes, if operated by a nonprofit organization or governmental agency.

Shorelands. Means lands within the following distances from the ordinary highwater mark of navigable

waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland Wetlands. Means wetlands of five (5) acres or more, as identified on the Wisconsin Wetlands Inventory Maps, which are located within shoreland boundaries.

Shore Yard. A yard separating the principal structure from the ordinary high water mark of any navigable water body.

Side-loaded Garage. An attached garage where the overhead doors are perpendicular to the front yard and generally not visible from the public right-of way.

Sign - Outside Advertising. As defined in Chapter 15 of the Code of General Ordinances.

Single-Family Attached Residence. Three (3) or more dwelling units joined together by at least one (1) common wall, each of which is separated from other dwelling units by an unpierced wall extending from the lowest level to the roof and having individual entrances, but not necessarily located on individual lots.

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.

Stealth Design. Any Communication Tower, Radio/Television/Relay Tower or Antenna which is designed to blend into the surrounding environment or to the building or structure to which it is attached, and protect important visual vistas to the greatest extent possible.

Storage. The holding or safekeeping of goods, materials, equipment, vehicles and the like in a building or structure, or on a lot for future use, sale or trade. Storage in a residential district shall be exclusively the storage of goods, materials, equipment and vehicles customarily used in the conduct of a residence in a residential district.

Storage Capacity. (Relative to Floodlands) The volume of space available above any area of floodplain fringe land for the temporary storage of floodwater.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it. Also see "Basement".

Street. An existing or proposed public thoroughfare thirty (30') feet or more in width.

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.

Structural Alteration. Any change, which would alter the supporting structures or members of a building or structure, such as bearing walls, columns, beams or girders.

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.

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of , the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work preformed. The term does not, however, include either any project for the improvement of a building required to correct existing health,

sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Swimming Pool. As defined in Chapter 9 of the Code of General Ordinances.

Tattoo Establishment. An establishment where a tattooist applies a tattoo to another person. Such terms are defined in Section HFS 173, Wisconsin Administrative Code, and Section 252.24, Wisconsin Statutes. Services limited to Permanent Cosmetic Makeup, as defined in this **Section 12.0**, shall be exempt from the location requirements of a Tattoo Establishment.

Temporary Use. A use which is either a limited term or recurring seasonal activity that does not involve any permanent structures or building.

Thoroughfare. An open unoccupied space permanently reserved for the purposes of access to abutting property.

Total Assessed Value. The most recent total assessed value of a building or structure appearing on the Kenosha County Assessor's assessment records.

Transitional Parking. Employee and/or customer parking for a use within the business, manufacturing or institutional district in which the parking facility is located on land zoned Rs-3, Rg-1, or Rg-2 and meeting the requirements of **§4.06A.6.** of this Ordinance.

Unified Business Center. Any Commercial Building or group of Commercial Buildings comprised of permitted and/or conditional uses located on a lot or group of lots, regardless of ownership, which is planned, developed or functions as a unit, whose limits are defined by one (1) or more public streets.

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.

Use. The purpose of which land, a building or structure is arranged, designed or intended, or for which either land, a building or structure is or may be occupied or maintained.

Utility Substation. Public or private buildings or structures required to provide essential municipal or other utility services (gas, electric, telephone, water).

Variance. A deviation from the literal provisions of this Ordinance, which is granted by the Board.

Visual Clearance. An open, unoccupied triangular space at the intersection of an existing or proposed street right-of-way line with another existing or proposed street right-of-way line, alley right-of-way line or a line formed by an edge of driveway; the space defined by a line joining points on such lines, the length of which is established in **§2.06** of this Ordinance and Section 7.131 of the Code of General Ordinances regarding Commercial Visual Clearance.

Waste Disposal, Treatment and Transportation Facility. A nongovernmental facility involved in the disposal, treatment or transportation of hazardous, infectious, domestic or other waste or any commercial handling, storage or processing of such waste conducted on other than the site of the generator.

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.

Wetlands. Means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland Alteration. Means any filling, flooding, drainage, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Winery. An establishment where wine, as defined in Chapter 125, Wisconsin Statutes, is manufactured, processed and stored for consumption on or off the premises or for wholesaling purposes.

Yard. An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A "yard" shall extend along a lot line to a depth

specified in the yard requirements of the district in which the lot is located.

- **Front Yard.** A yard extending along the entire frontage of the lot between the side lot lines.
- **Side Yard.** A yard extending along the side lot line between the front and rear lot lines.
- **Interior Side Yard.** A yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
- **Street Side Yard.** A side yard which adjoins a public street.
- **Rear Yard.** A yard extending along the full length of the rear lot line between the side lot lines.
- **Accessory Yard**. Any yard required for an accessory building, structure or use.
- **Accessory Front Yard.** An accessory yard extending from the front lot line to the front of the accessory building, structure or use, between side lot lines.
- **Accessory Side Yard.** An accessory yard extending along the side lot line between the front and rear lot lines.
- **Accessory Interior Side.** An accessory yard which is located immediate adjacent to another lot or to an alley separating such accessory from another lot.
- **Accessory Street Side Yard.** An accessory side yard which adjoins a public street.
- **Accessory Rear Yard.** An accessory yard extending from the rear lot line to the rear of the accessory building, structure or use, between the side lot line.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 13.0
AIRPORT OVERLAY DISTRICT (AIR)

13.01 PURPOSE

The intent and purpose of the Airport Overlay District is to impose land use controls which are in addition to those in the Underlying Zoning District classification that will protect Airport operations and ensure a compatible relationship between Airport operations and other land uses in the vicinity of these Airport operations.

13.02 STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to Sections 62.23 and 114.136, Wisconsin Statutes.

13.03 JURISDICTION

The jurisdiction of this Ordinance shall extend over all lands and waters within the boundaries set forth herein, but not to exceed three (3) miles of the boundaries of the Kenosha Regional Airport.

13.04 DEFINITIONS

Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word **"shall"** is mandatory, not permissive. All distances, except for height limitations, shall be measured horizontally.

Airport: Kenosha Regional Airport (See Section **2.05 D.1.** of the Zoning Ordinance).

Airport Layout Plan: The Kenosha Regional Airport Layout Plan, a scaled drawing of existing and proposed land and facilities necessary for the operation and development of Airport.

Approach Zone: The area of aircraft approach to Airport as defined in F.A.A. Advisory Circular 150/5300-13, Airport Design.

Avigation: The handling and guidance of aircraft in the air or on the Airport.

Avigation Easement: An easement drafted by the City Attorney and approved by the Airport Commission from the property owner to and for the benefit and protection of the City and Airport, addressing issues such as noise and height of objects of natural growth, which is recorded with the Register of Deeds for Kenosha County.

Building: Building or structure (anything built or constructed).

Construction: The erection of or addition to any building or structure of either a permanent or temporary nature.

DNL: Yearly day-night average sound level.

Height: The top of a building or structure, including any appurtenance installed thereon, or the top of any object of natural growth.

Person: Any individual, firm, partnership, corporation, company, association, or body politic and any trustee, receiver, assignee or other similar representative thereof.

Place of Assembly: All buildings or parts of buildings, where people gather for theater, recreation, entertainment, worship, educational, or dining purposes, as a principal use.

Runway: A portion of Airport having a surface constructed and maintained for the taking off and landing of aircraft.

Underlying Zone: The zoning district classification within an overlay district determining permitted, conditional and prohibited land uses.

13.05 AIRPORT OVERLAY DISTRICTS, PERMITTED USES, AND DEVELOPMENT STANDARDS

The Airport Overlay Districts, permitted uses and development standards are:

A. Airport Operations Overlay District (AIR-O). This District shall include all Airport property which is owned by the City of Kenosha.

1. Permitted Uses. All uses permitted in Chapter 18 of the Code of General Ordinances and air navigation facilities.

2. Development Standards. All commercial uses shall meet the Minimum Standards, Requirements and Qualifications for Commercial Service Operators under Chapter 25 of the Code of General Ordinances.

B. Airport Overlay District Runway Protection (AIR-1). This District shall include all property in the Runway Protection Zone, subject to crash hazard, within the boundaries of the District set forth herein. No buildings or structures are permitted within this zone and the height of natural growth is regulated.

Permitted Uses.

a. Agriculture; crops only.

b. Air navigation facilities.

C. Airport Overlay District Noise Cone (AIR-2). This District shall include all property in the Noise Zone, subject to crash hazard and having a noise exposure of 65 DNL or greater due to the operation of aircraft, within the boundaries of the District set forth herein. New residential uses and uses providing overnight lodging or sleeping accommodations, or uses providing a place of assembly are prohibited in this District.

1. Permitted Uses.

a. All uses permitted in District AIR-1.

b. All uses which are either permitted or conditional in the underlying zoning district, excluding residential uses, any use which provides overnight lodging and/or sleeping accommodations, and any use which provides a place of assembly. New accessory structures for existing residential uses are permitted provided no living area is included in the accessory structure. Air navigation facilities are permitted.

2. Development Standards. All uses shall meet the following standard: Construction techniques to provide a minimum of twenty (20) decibels extra noise reduction, as determined by the Department of Community Development and Inspections, over the minimum standards contained in State Building Codes.

D. Airport Overlay District Approach (AIR-3). This District shall include all property in the Approach Zone, having a noise exposure of less than 65 DNL due to the operation of aircraft, within the boundaries of the District set forth herein.

1. Permitted Uses. All uses which are either permitted or conditional in the underlying zoning district. Existing residential uses, and any existing use which provides overnight lodging and/or sleeping accommodations are permitted. New residential uses and any new use which provides overnight lodging and/or sleeping accommodations, and additions to residential uses and additions to uses which provide overnight lodging and/or sleeping accommodations are permitted, upon first paying the fee for preparation of an Avigation Easement established by the Common Council, from time to time, by Resolution, and executing and recording an Avigation Easement. Air navigation facilities are permitted.

2. Development Standards. All uses shall meet the following standard: Construction techniques to provide a minimum of five (5) decibels extra noise reduction, as determined by the Department of Community Development and Inspections, over the minimum standards contained in State Building Codes.

E. Airport Overlay District Overflight (AIR-4). This District shall include all property in the Overflight Zone within three (3) miles of the Airport boundaries located within the Horizontal Surface and/or the 20:1

Conical Surface Area as designated in the Federal Aviation Regulation Part 77, and having a noise exposure of less than 65 DNL due to the operation of aircraft. Nonresidential land uses are limited by Airport Site Plan Review conditions.

F. Airport Overlay District Height (AIR-5). This District shall include all property in the Height Zone within three (3) miles of the Airport boundaries which is regulated by the height restrictions of this Ordinance.

Permitted Uses. All uses which are either permitted or conditional in the underlying Zoning District, subject to the height limitations designated on the Kenosha Regional Airport Zoning and Height Limitation Map. Air navigation facilities are permitted.

G. Overlay District Boundaries.

1. Amendment. The boundaries of the Districts in this Section 13 are subject to amendment as changes occur in the takeoff and approach paths of aircraft, Airport operations, and runway extensions or modifications which are made in conformance with an adopted Airport Layout Plan.

2. Determination of District Boundaries.

a. Where a parcel of property is divided by an Airport Overlay District boundary, only such portions of that parcel of property actually within the boundary lines of any Airport Overlay District shall be considered included therein.

b. Airport Overlay Districts may overlap, in which event a parcel of property shall be subject to the requirements of each District affecting or dividing the property.

13.06 OFFICIAL ZONING MAPS

The location and boundaries of the Districts shown on **Appendix 13.06-1** shall be shown on the "Official Zoning Map, City of Kenosha, Wisconsin" and the "Kenosha Regional Airport Zoning and Height Limitation Map" dated May 25, 1988, shown on **Appendix 13.06-2** are adopted, incorporated herein by reference, and are on file in the Department of Community Development and Inspections.

13.07 GENERAL REGULATIONS

The following requirements shall apply to all Airport Overlay Districts (AIR).

A. Interference With Avigation. Notwithstanding any other provision of this Section 13, no use shall be made of land within any Airport Overlay District in such a manner as to:

1. Release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft;

2. Produce light emissions, either direct or indirect (reflective) which would interfere with the operation of aircraft;

3. Produce electrical, magnetic or other emissions which would interfere with the operation of aircraft, aircraft communication or aircraft guidance systems; or,

4. Attract birds, waterfowl, or wildlife, in a manner that creates a hazard to avigation.

5. Create a hazard to avigation in any other manner.

B. Flammable And/Or Combustible Material. The following requirements shall apply to all Airport Overlay Districts. All technical terms shall be interpreted as defined in the Wisconsin State Statutes and Wisconsin Administrative Code.

1. The manufacture of flammable and/or combustible liquid and solid materials is prohibited.

2. The handling and storage of flammable and/or combustible liquid and solid materials and materials which produce flammable or combustible vapors or gases shall be in accordance with State laws, rules and regulations and lawful administrative orders.

13.08 PROHIBITIONS

A. No person shall develop or maintain land or construct any building or structure, or improve land in any Airport Overlay District(s) shown on **Appendix 13.06-1**, in which situated, contrary to the requirements of this Section 13.

B. No building, structure or object of natural growth shall exceed the height limitation of the Underlying Zoning District, or be in excess of the height limitation indicated on the Kenosha Regional Airport Zoning and Height Limitation Map dated May 25, 1988, shown on **Appendix 13.06-2.** In the event of a conflict, the more stringent requirement shall apply.

C. No Building, Land Use or Zoning Permits or approvals shall be issued by the City, County, or any Village or Town, which will permit any development or land use, contrary to this Section 13.

13.09 NONCONFORMING USES

A. The lawful use of land, buildings and structures existing at the time of the adoption or amendment of any Ordinance under the authority of this Section 13 and the Zoning Ordinance may be continued, although such use does not conform with the provisions of this Section 13. The expansion or enlargement of a nonconforming use, where permitted, shall be in conformity with this Section 13 and the Zoning Ordinance. The Common Council of the City of Kenosha may remove such nonconforming use or acquire the necessary air right over the same by purchase or exercise of the right of eminent domain in the manner provided by Chapter 32 of the Wisconsin State Statutes.

B. Exception. A single family residence in AIR-2 located in an underlying agricultural or single family Zoning District within the City or County, which was in existence, under construction, or under a construction permit on October 7, 1994, may continue in residential use. However, a residential building which is damaged to the extent that its nonconforming status is lost, may be rebuilt upon the owner first paying the fee for preparation of an Avigation Easement established by the Common Council, from time to time, by Resolution, and executing and recording an Avigation Easement, subject to the following conditions:

1. The use of the nonconforming property must be in compliance with the regulations of the underlying Zoning District.

2. A nonconforming residential building which is damaged to any extent or destroyed, may be repaired or replaced with a building of equal or less square footage subject to compliance with the height limitations of this Section 13 and construction techniques being used which would decrease the noise associated with the Airport operation, to include additional insulation and air conditioning as required and approved in the Building Permit.

3. Nothing contained in this exception shall permit the construction of any additional residential buildings in AIR-2 on a nonconforming lot, irrespective of whether or not there has been a land division since October 7, 1994.

4. A nonconforming residential building may only be rebuilt under this Section 13 upon the condition that the property owner obtain a Building Permit within three hundred sixty-five (365) days of the residential building being damaged or destroyed.

5. A nonconforming residential building may not be expanded as to square footage, except upon obtaining an exception from this Ordinance from the Zoning Board of Appeals.

The Director of the Department of Community Development and Inspections, or designee thereof, is authorized to accept, execute and record such document on behalf of the City.

13.10 SITE PLAN REVIEW REQUIRED

A. Requirement and Purpose. A Site Plan Review is required to ensure that proposed development within designated Airport Overlay Districts complies with the requirements of any applicable Airport Overlay District.

B. Applicability. The Site Plan Review procedure of this **Section 13.09** shall apply to all nonresidential uses which are located within Airport Overlay Districts AIR-2, AIR-3 and AIR-4.

C. Building, Land Use And Zoning Permits And Approvals. No Building, Land Use, or Zoning Permits or approvals shall be issued by the City, County or any village or town, for a building located within Airport Overlay Districts AIR-2, AIR-3 and AIR-4 until a Site Plan has been submitted to and approved by the Director of the Department of Community Development and Inspections as being in compliance with this Section 13.

D. Site Plan.

1. A Site Plan shall be submitted to the Director of the Department of Community Development and Inspections for approval prior to the issuance of Building, Land Use, or Zoning Permits or approvals in Airport Overlay Districts AIR-2, AIR-3 and AIR-4. All building plans shall be in compliance with an approved Site Plan. The applicant shall submit nine (9) blue or black-line copies and one reproducible 8-1/2 x 11 inch reduced copy of the Site Plan accompanied by the plan review fee established therefor by the Common Council, from time to time, by Resolution. The plan review fee shall be in addition to any other fees required by any Ordinance. The plan review fee will be collected for any reviews that are done outside of the City of Kenosha. Airport Review fees within the City of Kenosha are included with the Conditional Use Permit/Site Plan Review fee.

2. Pre-Application Conference. Prior to the official submission of the Site Plan Review application, the owner or owner's agent filing the application shall meet with the Department of Community Development and Inspections to discuss the scope and nature of the contemplated development.

E. Review. The Director of the Department of Community Development and Inspections shall, upon receipt of the Site Plan, distribute copies to such other departments and government agencies as the Director of the Department of Community Development and Inspections deems necessary. Departments and agencies receiving copies of the Site Plan shall, within fifteen (15) working days of receipt of the Site Plan, submit to the Director of the Department of Community Development and Inspections their written recommendation and comments concerning the plan, if any. The Director of the Department of Community Development and Inspections shall, within twenty-five (25) working days of the filing of the application, either approve or deny the application with due consideration to the requirements of this Section 13, and compliance with duly adopted plans and studies. A lack of timely action shall not result in approval.

F. Amendments. Any amendment to the approved Site Plan shall require the resubmission of the Site Plan to the Director of the Department of Community Development and Inspections for review and action in the same manner as the original application for review and approval.

G. Site Plan Submission. The following information shall be submitted with the Site Plan application:

1. Site location, size and adjacent land uses.

2. Dimensional layout, with location, size and height of all buildings.

3. The location and size of all above and below ground storage containers for flammable and/or

combustible liquids and materials.

4. Size and location of all vehicular access points, streets and parking areas.

5. Major physical features such as creeks, ponds, detention/retention basins, topography and easements.

6. Diagrams to include the location, dimensions, and angles of any light reflective surfaces proposed in the development design, including detail on any exterior lighting.

7. Proposed drainage plan.

8. Additional information as required by the Director of the Department of Community Development and Inspections in order to ensure development compliance with this Section 13.

H. Review Standards. Site Plan applications shall be reviewed in accordance with this Section 13 and the following standards:

1. There shall not be a reasonable potential for the land use interfering with avigation as determined by **Section 13.07 C**.

2. Flammable and/or combustible liquids and materials shall not create a hazard to avigation or Airport use as determined by **Section 13.07 D**.

3. The height of buildings, structures or objects of natural growth shall be in compliance with the Kenosha Regional Airport Zoning and Height Limitation Map and the requirements of the underlying Zoning District.

4. The land use shall be consistent with the permitted uses of the Airport Overlay District.

5. Noise abatement construction techniques shall be implemented which provide the required noise level reduction of this Section 13.

I. Time Limit To Obtain Building Permit. A Building Permit shall be obtained by the applicant within six (6) months of the date of approval of the Site Plan. The Director of the Department of Community Development and Inspections may, upon written request from the applicant, grant one extension not to exceed six (6) months if, in the judgment of the Director of the Department of Community Development and Inspections, additional time is warranted. The Site Plan approval shall expire and be null and void in the event an applicant has not obtained a Building Permit within the specified time.

J. Development of Property. The development of property shall be in compliance with an approved Site Plan, this Section 13, the City Zoning Ordinance, where applicable, and other applicable State and local laws, rules and regulations.

K. Appeals, Variances, And Exceptions. Appeals, variances and exceptions to this Section 13 are governed by **Section 9**, Zoning Ordinance, subject to the fees provided in **Section 11** of the Zoning Ordinance.

1. Variances. Under no circumstances shall a variance be given for a height limitation, a land use not authorized by this Section 13 or the Zoning Ordinance, or a prohibited land use except for the following:

a. Exception For Addition To Residential Building. The City Zoning Board of Appeals may consider and grant an exception from this Section 13 to permit an addition to an existing residential building in AIR-2, but the application shall not be reviewed and acted upon until the Airport Commission has made a recommendation on whether the exception will create a hazard to avigation or Airport operation. The standard of review for the application is the best interest of the Airport. The exception, if granted, may be subject to reasonable conditions and limitations.

b. Exception For Public Safety Communication Tower. The Common Council may consider and grant an exception from this Section 13 to permit construction of a Public Safety Communication Tower that exceeds the Height Limitation Map dated May 25, 1988, but the application shall not be reviewed and acted

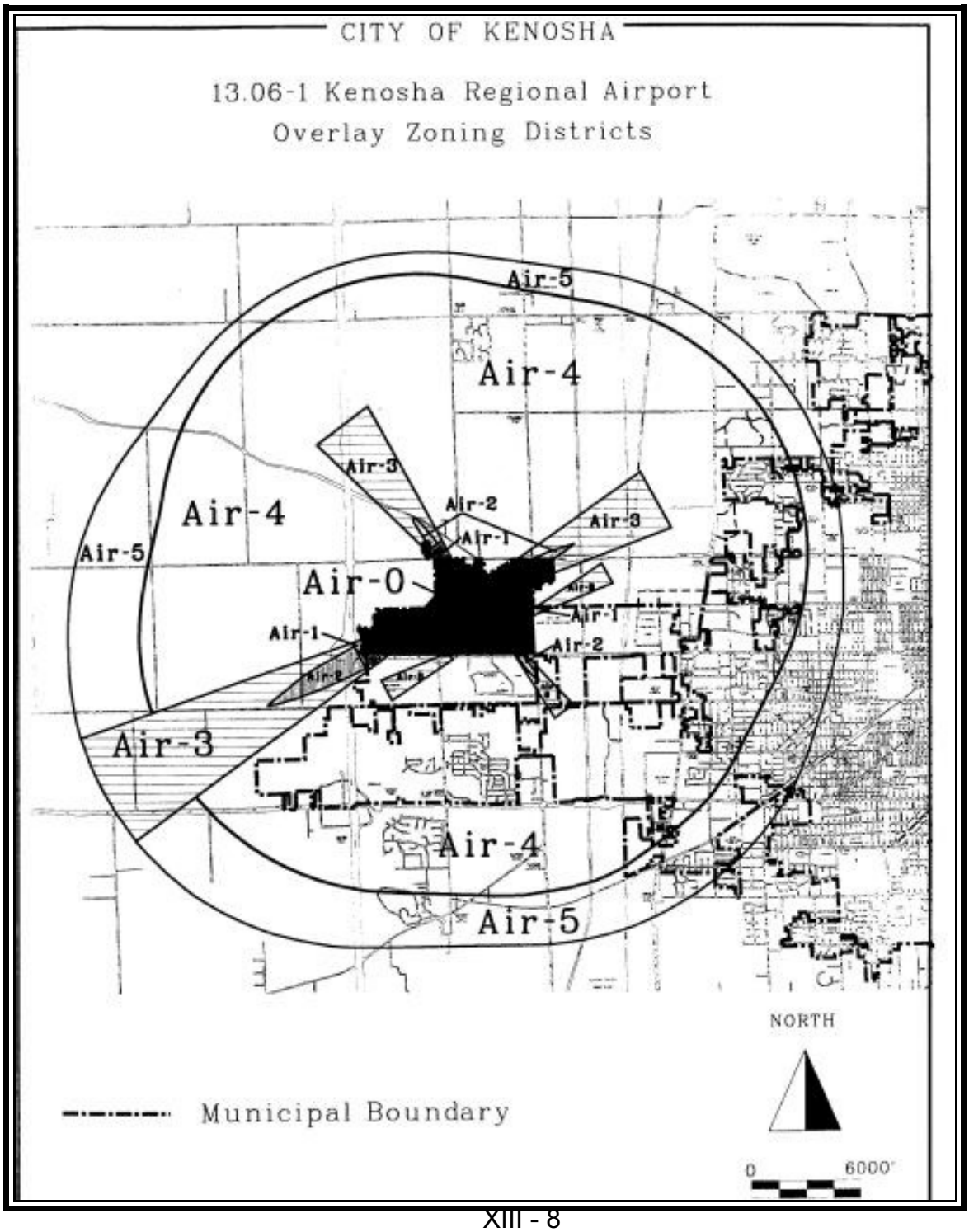
upon until the Federal Aviation Administration (FAA) and then the Airport Commission has made a recommendation on whether the exception will create a hazard to avigation or Airport operation. The standard of review for the application is the best interest of the Airport. The exception, if granted, may be subject to reasonable conditions and limitations.

L. Distribution Of The Approved Site Plan. One (1) copy of the approved Site Plan shall be submitted to the Director of the Department of Community Development and Inspections for use in issuing Building Permits. If an approved Site Plan affects property located outside the City of Kenosha corporate limits, a copy of the approved Site Plan shall be forwarded to the Building Inspector of the jurisdiction in which the property subject to the Site Plan is located.

13.11 ADMINISTRATION AND ENFORCEMENT

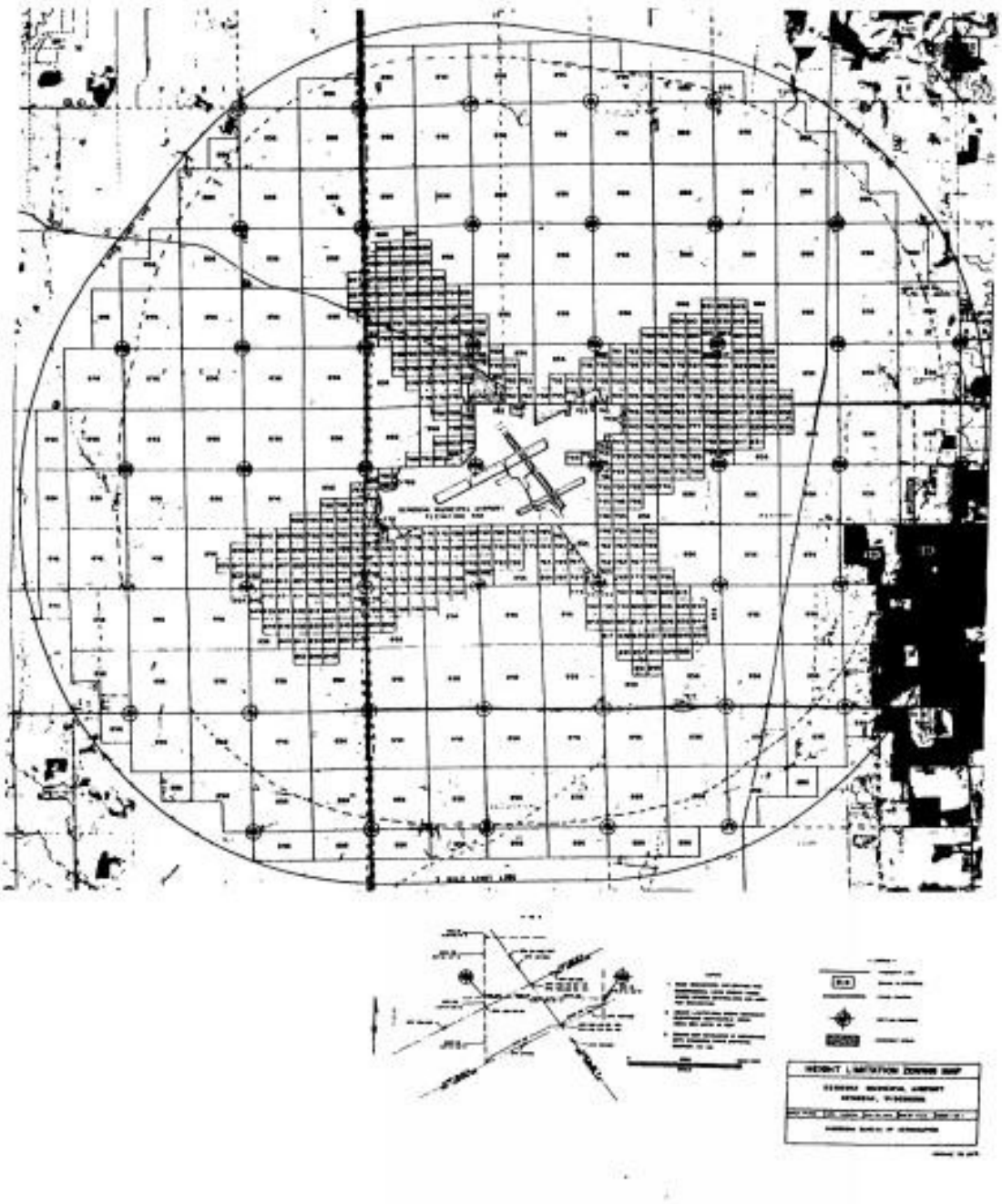
The Administrator shall administer and enforce this Section 13 with respect to any parcel of property located within an Airport Overlay District.

APPENDIX "13.06-1"
KENOSHA REGIONAL AIRPORT OVERLAY ZONING DISTRICTS



APPENDIX "13.06-2"
AIRPORT HEIGHT LIMITATION ZONING MAP

13.06-2 - AIRPORT HEIGHT LIMITATION ZONING MAP



ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 14.0
SITE PLAN REVIEW

14.01 PURPOSE AND APPLICATION

The purpose of this Section is to provide a process to review and approve Site Plans for land uses which are subject to a Building and/or Conditional Use Permit.

This Section does not apply to one (1) and two (2) family residential units. This Section does apply to the new construction or erection of any building or structure, to any addition to a building or structure, to any exterior building alteration, or to any site changes or modifications, including, but not limited to, site paving.

14.02 SITE PLAN REVIEW AND OTHER PERMITS REQUIRED

A. Site Plan Review. A review of a Site Plan which is subject to this Section is a condition precedent to the issuance of a Building, Conditional Use and/or Occupancy Permit being reviewed or issued.

B. Other Permits Required. Certain land development and land uses may require permits other than a Building and/or Conditional Use Permit, such as, but not limited to:

1. **Erosion Control Permit**, Chapter 33, Code of General Ordinances.
2. **Tree Protection Permit**, §34.10, Code of General Ordinances.
3. **Sign Erection Permit**, Chapter 15, Code of General Ordinances.
4. **Move a Building Permit**, §9.12, Code of General Ordinances.
5. **Raze a Building Permit**, §9.11, Code of General Ordinances.
6. **Occupancy Permit**, §8.04, Zoning Ordinance.
7. **Shoreland Wetlands Permit**, §8.05, Zoning Ordinance.
8. **Airport Protection Site Plan Review**, §13, Zoning Ordinance.
9. **Public Right-of-Way Work Permit,** §5.04, Code of General Ordinances.
10. **Sidewalk and Driveway Approach Permit**, §§5.05, 5.08 and 5.085, Code of General Ordinances.
11. **Swimming Pool and Hot Tub Permit**, §9.22, Code of General Ordinances.
12. **Water and Sanitary Sewerage Connection Permit**, §32.05, Code of General Ordinances.
13. **Parking Facilities Permit**, §5.08, Code of General Ordinances.
14. Licenses to operate particular business as required by Chapters 3, 4, 10, 12, 13 and 14 of the Code of General Ordinances.
15. Such other licenses, approvals and permits as are, or in the future may be, required by the Zoning and Code of General Ordinances.

14.03 REVIEW AUTHORITY

The Permit Review Authority shall be the Director of the Department of Community Development and Inspections, which shall have authority to approve or reject Site Plans or approve with modifications.

14.04 APPLICATION FOR SITE PLAN REVIEW

Applications for Site Plan Review may be obtained from and shall be filed with the Department of Community Development and Inspections. The application shall be made on City forms, which are fully, accurately and legibly completed, and which include ten (10) sets of mandatory submittals and such optional submittals as are required by the Review Authority. The Site Plan Review Fee therefor, established by the Common Council, from time to time, by Resolution, shall be paid at the time of application. However, any

applicant who has paid a Site Plan Review or Conditional Use Permit Fee is exempt from the payment of such fee for an Airport Protection Site Review. The fee shall be determined by locating both the size of the building or addition and the gross acreage of the site in the table. If the building size or addition and the gross acreage of the site determine two (2) different fees, the greater of the two fees shall determine the cost. The application fee entitles the applicant to two (2) permitted reviews: one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted upon payment of a resubmittal fee therefor, established by the Common Council, from time to time, by Resolution.

14.05 AMENDMENTS

Any change to an approved Site Plan shall require the submission of revised plans, payment of the fee therefor established by the Common Council, from time to time, by Resolution, and approval by the Review Authority.

14.06 APPLICATION FORMS AND SUBMITTALS

A. Written Application. Every applicant for a Site Plan Review shall complete a written application form, with supplementary attachments on 8-1/2 x 11 paper, if necessary, containing the following information:

1. Name, address and phone number of the applicant.

2. If the applicant is not the owner of the property in question:
a. the name, address and phone number of the owner;
b. the interest of the applicant in subject property; and,
c. written consent by the owner to the filing of the application.

3. Date of the application.

4. Identification of the property in question by street address and by parcel number. If there is no street address, the applicant must provide a description of the location of the property in relation to surrounding streets and properties.

5. Description of the nature of the proposed development or redevelopment, and the proposed land use(s), including accessory uses.

6. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary right-of-ways or easements have been provided.

7. Time schedules for the completion of phases in staged development.

B. Conditional Uses. Where the Site Plan Review is for a conditional use, the additional submittals required for a Conditional Use Permit application shall be included, in addition to the Development Plans herein required.

C. Development Plans. The following plans as identified in **§4.0** must be submitted for review, whether or not the use is a conditional use:

1. Building Plan.
2. Site Plan.
3. Landscape Plan.
4. Utility Plan.

5. Drainage Plan.
6. Operational Plan in conformance with **Section 4.03 A.3.**

Two or more plans may be combined, but in no case shall the combined plan fail to show any of the items required for each individual plan. For example, site plans and landscape plans may be suitable for combination.

D. General Requirements. All building plans, site plans, drainage plans, landscape plans, utility plans, elevations, and sections shall be drawn to such a scale that all features required to be shown on the plans are readily discernible. Building floor plans and elevations may be drawn to an architect's scale, all other plans shall use an engineering scale. For site, drainage, landscape, and utility plans (as differentiated from elevations and sections), the scale used shall be the same for each plan, which shall be no smaller than 1″ = 50', except that for properties with unusual characteristics, the Director of the Department of Community Development and Inspections may waive this requirement.

Plans, elevations, and sections shall not exceed 30″ x 42″ in size, unless otherwise approved prior to submittal. The following shall be shown on each plan, elevation, or section:

1. The name of the applicant.
2. The name and location of the development, and the title of the plan; e.g., "Site Plan", "Landscape Plan".
3. Scale and north arrow.
4. The date of the original plan and the date(s) of any revisions.
5. The license number, seal, and signature of any professionals involved in the preparation of the plans.

E. Optional Submittals. Whenever it is determined by the Review Authority that the characteristics of the proposed development require additional information or documentation to permit a comprehensive review, such information or documentation shall be provided by the applicant after receiving a written request from the Review Authority. The following is a representative, but not exclusive, list of the optional submittals that may be requested:

1. Traffic Impact Statement which analyzes adjoining street capacity and current volumes, trip generation rates expected for the development, and expected increase or decrease in volumes on adjoining streets and impacted arterials. The traffic impact statement shall identify the size, location, and characteristics of roadway or traffic control improvements necessitated by the proposed development to maintain existing levels of service on public thoroughfares. The analysis shall identify the impact of the development on pedestrian or vehicular safety and congestion. The impact analysis shall be required when the total floor space of the development on a single parcel or contiguous parcels totals 100,000 square feet or more.

2. Environmental Impact Statement, including its effect on historically significant or ecologically fragile wetlands, floodplains, streams, lakes, woodlands, etc.

3. Photometric plot of the illuminating effect of all exterior lighting fixtures on the site and adjacent property and right-of-ways.

4. Description of any unusual characteristics of the site which might affect surrounding development.

5. Drainage calculations.

6. Street perspectives showing view corridors.

7. Legal documentation establishing homeowners associations or other legal entities, responsible for control over required common areas and facilities.

8. Historic Site or Historic District Impact Statement.

F. Preliminary Review. The applicant shall meet with Department of Community Development and Inspections staff prior to submitting an application to review the application requirements and review process and to determine whether any optional submittals will be required.

G. Notifications. Site Plan Reviews. The alderman of the aldermanic district in which a site is planned for development shall receive a copy of the application from the Department of Community Development and Inspections.

H. Department of Community Development and Inspections and City Department Review. The Department of Community Development and Inspections will forward copies of the plans and applications to relevant City departments for review. The Department of Community Development and Inspections and City departments will review the plans using the Development Standards of this Section. The Departmental review shall be completed no later than twenty (20) working days following the receipt of a complete application, excluding the day the application was received. The Department of Community Development and Inspections shall advise the applicant, in writing, of the department comments, recommendations, approvals or disapprovals within forty (40) days of the receipt of a complete application.

I. Review Authority Decision. The Review Authority will review the application and shall either approve or deny the application, or approve with conditions based upon the standards of this Section and the comments of relevant departments.

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

J. Permits. No building or construction or Site Work Permits shall be issued by the Administrator until the Review Authority has reviewed and approved the Site Plan.

Footing and Foundation Permits may only be granted if each of the following conditions are met:

1. The Review Authority has granted conditional approval with respect to such work, after receiving the written recommendation of reviewing agencies.

Within ten (10) working days of receipt of the permit information, the review agencies will recommend, via a transmittal form, whether a Footing and Foundation Permit should be issued prior to formal Site Plan approval. If one or more reviewing agency recommends that the Footing and Foundation Permit should not be granted, and the applicant still desires the permit, then within five (5) working days a representative from each reviewing agency will meet and delineate the requirements that must be fulfilled prior to the issuance of a permit. If agreement is not reached, a Footing and Foundation Permit shall not be issued. Permits may be withheld in order to protect the public safety and welfare of the community, or if in the opinion of the reviewing agency, there is a need for additional information.

2. Footing and Foundation Permit approval shall be subject to a specific timetable which specifies project completion dates which must be met.

K. Appeals. Any petitioner/applicant objecting to any decision of Review Authority - Department of Community Development and Inspections - DCDI related to Site Plan Review may appeal the decision to the Common Council. Such appeals shall be filed, accompanied by the fee therefor established by the Common

Council, from time to time, by Resolution, with the City Clerk/Treasurer within thirty (30) days of the decision with the Department of Community Development and Inspections.

The Common Council shall hold a hearing of an appeal within forty-five (45) days of the filing of the appeal. The Common Council shall notify the appellant of the hearing by mail. At the hearing, the appellant shall appear in person or by agent or attorney.

L. Revocation. A Building Permit, if required, must be secured by the permittee within six (6) months of the date of approval of the Site Plan by the Review Authority. The Review Authority may authorize the issuance of a Building Permit subject to an extended period of time for condition compliance in the case of a phased development or when deemed appropriate by the authority. The Site Plan approval shall expire and be null and void in the event the permittee does not obtain a Building Permit. If an approved Site Plan expires for such reason, any subsequent development or use of the property shall require a new permit application. This provision does not apply to planned developments which are governed by the revocation procedure outlined in §3.22 of this Ordinance.

M. Conditions to Run with the Land. Any conditions applied to an approved Site Plan Review shall run with the land and be binding upon the owner/occupier of the land and upon any subsequent successor owners and occupiers of the land. All conditions applied shall be maintained indefinitely by the property owner/occupier unless and until otherwise approved by the review authority.

14.07 DEVELOPMENT STANDARDS

To establish and define criteria for the review process set forth in this Ordinance, the following Development Standards for all uses requiring Site Plan Review are created.

A. General Provisions.

1. The development standards provided herein are minimum standards and additional standards or conditions may be required for individual developments when the circumstances warrant.

2. Should the development standards conflict with any other provision of the Ordinance, the most restrictive provision shall apply.

3. The Development Plans shall serve as the review documents which the Review Authority will use in the analysis of the application for Site Plan Review.

B. Building Plans. Building Plans shall show and include:

1. Design and Architecture of Buildings. Elevation shall be provided and dimensioned. Plans shall be drawn to sufficient detail so that all room sizes, wall openings, building projections and locations of all exterior HVAC and utility services equipment can be identified.

2. Materials and colors of exterior surfaces such as walls, roofs, and window trim shall be indicated.

3. Details on fire detection, fire alarm and other safety devices, including fire suppression, sprinkler, standpipe, and restaurant hood suppression systems shall be provided for review and be approved by the Kenosha Fire Department.

4. Building size and scale should reflect the physical scale of the surrounding area and the scale of surrounding buildings.

5. The location and orientation of building elements, such as balconies or porches, should reflect the orientation of surrounding buildings and structures.

6. Rooms used for residential purposes shall provide adequate living area, as required in the Minimum Housing Code of the Code of General Ordinances.

7. The materials and design of buildings, structures and additions should complement the surrounding area.

8. Building design shall be in compliance with the Americans With Disability Act.

9. Building address shall be clearly displayed on building.

10. Commercially and institutionally used buildings authorized to be constructed within the City shall conform with the design guidelines hereinafter set forth:

a. Building faces of all commercially and institutionally used buildings shall be constructed entirely of architectural masonry, architectural composite aluminum panels, wood, glass or a combination of these materials. Pre-finished metal siding, steel siding, ribbed or corrugated metal siding shall not be permitted on any building facade. Smooth face concrete blocks shall not be permitted on any building facade, except when used for accent banding, which shall not be wider than three (3) adjacent courses and no more than six (6) courses on any building face. Exterior Insulated Finish Systems (EIFS) shall only be allowed on the first floor of any building as an accent material above a window, entrance or other similar architectural feature. Exterior Insulated Finish Systems shall be allowed as a primary material above the first floor.

b. Split-faced or decorative concrete block shall not be painted or stained after installation without the approval of the Review Authority.

c. Articulation on the rooflines shall be provided by using a pitched roof, a partial roof or parapet walls with a minimum height difference of two (2') feet.

d. Rooftop mechanicals shall be concealed in order to prevent their visibility from grade level as measured from the lot lines and abutting street right-of-ways. Rooftop mechanical screening shall be compatible with the design, color and materials of the building(s).

e. Materials and colors of outbuildings within a Unified Business District or Large Scale Commercial Development shall be consistent with the main building(s).

f. Articulation of building facades shall comply with the following design standards:

(1) Recesses and/or projections shall comprise at least twenty (20%) percent of each facade length, with articulation as deemed acceptable by the Review Authority such as false windows or articulation of materials. In no event shall an uninterrupted facade extend more than one hundred (100') feet.

(2) Windows, awnings, arcades or similar architectural elements deemed acceptable by the Review Authority shall total at least sixty (60%) percent of each facade length which faces a public street or private street.

(3) The principal entrance to a commercial, office or institutional building in the B-4 District shall be required to have:

(a) Ornamentation around the door; and,

(b) At least one of the following: recessed entrance (recessed at least three (3') feet); protruding entrance (protruding at least three (3') feet); canopy (extending at least five (5') feet); portico (extending at least five (5') feet); or an overhang (extending at least five (5') feet).

g. Metal roofs and/or awnings shall only be permitted when the roofing material meets the minimum standards of the International Building Code.

11. Multifamily buildings authorized to be constructed within the City shall conform with the exterior building variation guidelines hereinafter set forth:

a. Exterior building variation is required on multifamily buildings that contain eight (8) or more units. One-quarter (1/4) of units within the building shall differ from the other units by symmetrically changing the location, pattern or form of at least two (2) of the following architectural elements:

(1) Balconies, porches or verandas;

(2) Window type and fenestration;

(3) Roof pitch or design;

(4) Exterior materials;

(5) Height;

(6) Change in material and/or color in a vertical bay;

(7) Other exterior building modifications approved by the Review Authority.

b. Each building in a multifamily development that consists of two (2) or more buildings shall differ from each adjacent and facing building by using at least two (2) of the following criteria:

(1) Shifted building orientations of at least forty-five (45°) degrees between buildings;

(2) Facade width, height, and symmetry;

(3) Roof pitch or design;

(4) Total number, type, or symmetrical location of doors, windows, or architectural properties and the exterior building materials;

(5) Architectural relief of buildings; i.e., dormers, porches;

(6) Change in material and/or color in a vertical bay;

(7) Other exterior building modifications approved by the Review Authority.

c. Front facing attached garage entrance doors on multifamily buildings shall be no closer to the lot line than the facade of the principal building. This requirement applies to elevations that are abutting a public street or private street.

d. Detached garages of multifamily buildings shall be constructed entirely of architectural masonry. The materials on the detached garages shall be compatible with the materials used on the primary buildings.

e. Building faces of all multifamily buildings shall be constructed entirely of architectural masonry and/or glass.

12. Industrial buildings authorized to be constructed within the City shall conform with the design guidelines hereinafter set forth:

a. Building exteriors of all new industrial buildings shall be constructed entirely of architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials. Other decorative and textured materials may also be used to meet these requirements when authorized by the Common Council. Aviation related buildings located at the Kenosha Regional Airport are exempt from these requirements.

b. Additions to industrial buildings shall be constructed entirely with materials that are comparable with the materials of the existing building. On an existing industrial building that does not have architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials on a minimum of two-thirds (2/3rds) of the exterior of any side which abuts a public street or residential district, building additions shall comply with the following requirements:

(1) Any addition to an existing building which creates an exterior side which abuts a public street or a residential district shall consist of architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials on a minimum of the lower two-thirds (2/3rds) of the building exterior sides of both the addition and existing building which abuts a public street or a residential district. Exceptions to the two-thirds (2/3rds) requirement for any existing building exterior side which abuts a public street or residential district that has less than two-thirds (2/3rds), but at least one-third (1/3rd) architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass or any combination of these materials, may be granted when so authorized by the Common Council.

(2) Any additions to existing buildings which are subject to the requirements of Paragraph 12.b.(1)

above, and have an exterior side which abuts an interior side lot line and is adjacent to the front exterior shall be constructed with architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass, or any combination of these materials on the lower two-thirds (2/3rds) of the building exterior for a minimum of twenty (20') feet from the building front or to a natural dividing point approved by the City Plan Department. Exceptions to the twenty (20') foot requirement for any existing building exterior side which abuts an interior side lot line and is adjacent to the front exterior that has less than two-thirds (2/3rds), but at least one-third (1/3rd) architectural masonry, Exterior Insulated Finish System, architectural composite aluminum or steel panels, glass or any combination of these materials on the front twenty (20') feet may be granted when so authorized by the Common Council.

C. Site Plans. Site Plans shall show and include:

1. Dimensions of the development site, indicated along the property line. Distances to all buildings, structures and freestanding signs, on adjoining properties and building setbacks shall be indicated.

2. The location, footprint and outside dimensions of buildings, structures, and freestanding signs.

3. Existing and proposed pedestrian and vehicular access points, streets, drives, alleys, bicycle paths, bridges, intersections, and other pedestrian and vehicular circulation elements, labeled with street names, dimensioned in feet and tenth and hundredths, and with surface materials identified; i.e., asphalt, sod, etc.

4. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas), with the surface material identified and showing the layout of parking spaces and direction of travel lanes, aisles, or driveways.

5. Front, side, and rear yards, labeled as such and dimensioned.

6. Location and dimensions of all existing or planned easements, lands subject to deed restrictions or protective covenants, right-of-ways, and required emergency accessways.

7. Identification of all land to be dedicated or reserved for public use, with the use named.

8. The location, elevation and dimensions of walls and fences that are to be permanent improvements to the site or erected temporarily during construction.

9. The location, elevation and dimensions of outdoor lighting fixtures, if any.

10. With respect to construction of 250,000 square feet, or greater, of building development or expansion on a single parcel or contiguous group of parcels, a three-dimensional model or other depiction or color rendering of proposed buildings, the site, and its immediate vicinity. This model shall be at a minimum scale of 1″ = 50'. It shall show all proposed buildings, roads, vehicular and pedestrian circulation elements, parking lots or parking structures, existing vegetation to remain, proposed landscaping, and any other significant natural features.

11. A legal description and certified survey of the property. Any easement, covenant or right-of-way, existing or planned, which creates site design constraints shall be indicated. Any design adjustments to these constraints shall not adversely impact the intent of these standards or the provisions of this ordinance. Location of any floodplain, wetland, and shoreland boundary shall be shown.

12. The location, proportion, and orientation of buildings or structures should compliment the location, proportion and orientation of surrounding land forms, buildings or structures.

13. Surrounding Land Uses and Respective Zoning Classifications. The Review Authority shall consider the impact of the proposed development on the comprehensive plan, any neighborhood plan, and the Official Zoning Map, as amended. The Review Authority shall use the following criteria when assessing the development's impact on surrounding land uses: the development shall be consistent with the objectives of the comprehensive plan, and any relevant neighborhood plan, the development shall be compatible with the character and objectives of the zoning district or districts within which it is located, and the development shall be compatible with the character of the neighborhood which surrounds the development.

14. Site access governed by the following criteria:

a. Site entrance drive dimensions such as widths, radii and visibility triangles.

b. Development shall provide the least number of ingress/egress points along a street necessary for safe and efficient traffic flow. A minimum separation of three hundred (300') linear feet of street frontage shall be required, except that each development or parcel shall be allowed at least one ingress/egress location, or access via cross access easements, through adjoining property. The location of all access points shall be determined by the Review Authority.

c. Individual development vehicular entrances shall be at least one hundred twenty-five (125') feet apart.

d. Vehicular entrances shall follow the recommended safety guidelines established by the Wisconsin Department of Transportation.

e. An adequate internal stacking distance, as deemed to be safe by the City Traffic Engineer, shall be provided from the property line at each entrance.

f. Appropriate traffic control measures including signs, crosswalks, etc. shall be utilized at all entrances to public right-of-ways.

g. Adjacent development shall share a common entrance drive, where possible.

h. Access to adjoining sites shall be coordinated, where possible.

(1) At least one (1) vehicular and pedestrian access point to each adjoining site shall be granted by cross easements.

(2) Cross access easements should not occur within interior parkways.

(3) Cross access easements shall be a minimum of thirty (30') feet wide.

(4) Cross access easements are encouraged behind buildings to encourage linked rear parking areas.

(a) Vehicular access to any nonresidential structure, use, parking or loading facility shall not be gained across land zoned for a residential use, except where authorized by the Review Authority, with due consideration to special circumstances.

15. Parking Lots and Parking Structures. This Section sets forth standards for the design of parking areas in a manner that will reduce the negative visual impacts of large expanses of impervious surface while maintaining maximum safety standards. In addition to these standards, parking lot layout shall conform with §5.08 of the Code of General Ordinances, "Parking Facilities".

a. Layout.

(1) Building entrances shall be accessible from adjacent parking areas by means of a minimum five (5') foot wide paved walkway, as shown on **Figure 1**.

(2) Parking adjacent to the front of buildings, except within the B-3 districts, shall maintain a seven (7') foot separation from the building to accommodate pedestrian circulation.

b. Parking Lot Design.

(1) Parking lots shall be designed and constructed in accordance with §5.08 of the Code of General Ordinances, "Parking Facilities".

(2) Parking lots shall be paved with asphaltic concrete or Portland cement concrete.

16. Traffic Circulation. Clear and identifiable patterns of circulation are critical to minimizing potentially dangerous conflicts between pedestrian, automobile, and truck traffic. The intent of this Section is

to establish standards which create a separation of noncompatible traffic, and create patterns that are clearly oriented to the needs of each, to minimize conflict.

a. Pedestrian Access.

(1) There shall be a minimum of a five (5') foot wide paved walkway provided to each building entrance from parking areas and from public sidewalks.

(2) Pedestrian walkways shall be provided for access to adjacent properties and be handicap accessible.

(3) Drainage improvements shall not pass over pedestrian walks.

(4) Pedestrian walks shall not exceed a longitudinal slope of five (5%) percent or a side slope of three (3%) percent as measured over a ten (10') foot interval.

b. Traffic Circulation Lanes.

(1) Internal circulation lanes shall be no closer to the right-of-way than the minimum required stacking distance at the site driveway exit/entry as required by the City Traffic Engineer.

(2) Site cross-access lanes shall be provided. Cross access lanes should be a minimum of twenty-four (24') feet wide.

(3) Traffic lanes shall be clearly separated from parking and pedestrian areas through the use of landscaped islands, barrier curbs, or lane striping.

(4) Vision clearance as specified in **§2.06** of the Zoning Ordinance shall be utilized within parking areas as deemed necessary by the Chief of Inspection.

(5) Truck traffic should be routed directly to service area without passing through parking or pedestrian areas.

(6) Service truck parking should only be allowed within designated service areas.

(7) Unless otherwise exempt by the Chief of Kenosha Fire Department, all circulation lanes adjoining the perimeter of buildings shall be designated as fire lanes.

17. Protection of Natural Features.

a. Preservation. All new development shall preserve, enhance, or protect existing natural features. The Site Plan or accompanying documents shall evidence the means by which the development addresses the following:

(1) Minimize disruption of existing natural features, and wherever possible, incorporating them into the overall design.

(2) Prior to development, protecting all natural elements from damage due to construction activities.

(3) Comply with Chapter 33 of the Code of General Ordinances, entitled "Erosion Control".

(4) Comply with §34.10 of the Code of General Ordinances, entitled "Tree Protection".

b. Open Space. The following specific areas shall be preserved as undeveloped open space:

(1) Wetlands as described in §404 Federal Water Pollution Control Act Amendments of 1972 and delineated on the Wisconsin Department of Natural Resources Wetland Inventory Map, verified by on-site inspection by a qualified wetlands consultant.

(2) Lands in a designated floodway or floodplain. Lands within a floodplain may be used for parking and recreational uses provided all required permits are obtained.

(3) Steep slopes in excess of twenty (20%) percent as measured over a ten (10') foot interval, unless appropriate engineering measures are taken.

(4) Habitats of endangered wildlife or vegetation as identified by the Federal and/or Wisconsin Department of Natural Resources.

18. Multifamily Development Entranceways, Landscaped Islands and Parking Lots. Entranceways, landscaped islands and parking lots that abut a public street shall be curbed in multifamily developments between the first (1st) building and right-of-way line.

D. Utility Plans. Utility Plans shall show and include:

1. Location and dimensions, in length and diameter where applicable, of all aboveground and underground conduits and utility lines: storm and sanitary sewers, water mains, electrical, natural gas, and communication (cable television, telephone, etc.) lines.

2. Location of all utility connections and metering facilities, including fire hydrants, Fire Department connections, existing wells, pumping stations and lift stations.

3. Road and paving cross-sections and details.

4. Location and footprint of any and all buildings and structures, in outline.

5. Locations and names of existing and proposed streets and intersections, and the location of parking lots, sidewalks, and bike paths, and other elements of vehicular and pedestrian circulation.

6. Plumbing plans showing in detail, the size and location of all water meters.

7. Storm sewer, sanitary sewer, and water utility systems, as outlined in the Utility Plan, shall meet the requirements of Chapter 5 and Chapter 32 of the Code of General Ordinances. These provisions may require the designation of easements providing access for public utility purposes.

8. Electric, gas and telephone utility systems, as designated on the Utility Plan, shall meet the requirements of the respective utility company's rules and regulations.

9. Cable television systems, as designated on the Utility Plan, shall meet the requirements of Chapter 26, "Cable TV", of the Code of General Ordinances.

10. Utility systems shall be placed in accordance with City Ordinances and utility companies' rules and regulations. The Review Authority may require the underground installation of lines and distribution points, the elimination of poles and overhead lines, or the simultaneous organization and installation of utility systems.

11. Exterior lighting is intended to promote a safe and attractive character throughout Kenosha without creating a nuisance to adjacent properties. All exterior lighting shall comply with the following standards:

a. Light fixtures shall be selected with care to ensure that they are appropriately scaled in relation to their setting and to ensure that they are of a style that is compatible with the character of their immediate environment.

b. Luminaries shall be aimed, shielded, or relocated so as to minimize glare.

c. The maximum allowable light spillover to an adjacent residential property shall be 0.5 foot candles measured at the property line, four feet above grade; for all other types of land uses, the maximum allowable light spillover shall be 0.75 average foot candles, measured in the same manner.

d. Lighting levels shall be measured in foot candles with a direct-reading, portable light meter. The meter sensor shall be mounted not more than four feet above the ground line in a horizontal position. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination.

e. All lighting wires/cables shall be placed underground.

f. Accent lighting should be used to highlight architectural and landscape design elements when appropriate.

g. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan shall be submitted to the Department of Community Development and Inspections and Traffic Engineer in order to determine whether the requirements of this Section have been met.

h. Illumination of uses shall meet the minimum standards of Illuminating Engineering Society of North America (IES).

i. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for security.

E. Drainage Plan. Drainage Plan shall show and include:

1. Existing topography by contours related to USGS survey datum or other datum approved by the City Engineer. The contour interval shall be not greater than two (2') feet (a one (1') foot interval is recommended) and shall extend at least twenty (20') feet beyond the site. The City Engineer may require site elevations beyond twenty (20') feet of the site. Spot elevations of existing buildings, structures, high points, and wet areas or flood elevations shall be shown.

2. Floodplain, shoreland, environmental corridors, and wetland boundaries, if applicable.

3. Soil characteristics.

4. The location, capacity, and dimensions of on-site storm water drainage facilities, including manholes, pipes, curbs, gutters, curb inlets, curb cuts, and drainage grates and design calculators shall be provided.

5. Location, extent, and typical cross sections and slope ratios of all storm water retention and detention areas and drainageways. Location and elevations at top and bottom of proposed retaining walls.

6. The location and footprint of any and all buildings and structures.

7. The locations and names of existing and proposed streets and intersections, and the location of parking lots, sidewalks, bike paths, and other elements of vehicular and pedestrian circulation.

8. All development shall comply with the City's Land Division and Zoning Ordinance requirements for storm water retention and detention. Storm water retention and detention basins, including underground retention and detention basins, shall be constructed and operational prior to the issuance of a Footings and Foundation Permit. Underground storm water retention and detention basis shall only be allowed upon approval and recording of a Storm Water Maintenance Agreement.

9. Erosion control measures shall be exercised during construction to prevent unnecessary soil erosion from steep slopes, drainageways and topsoil stock piles as required by Chapter 33.0 of the Code of General Ordinances, "Construction Site Maintenance Erosion Control". Erosion control measures shall be identified on the site plan or in supporting documents.

10. A topographic analysis by the review authority shall consider: contours, elevations, and slopes; spot elevations of existing buildings and structures; spot elevations of rock outcroppings, high points, water courses, depressions, ponds, and marsh areas, with any previous flood elevations; floodplain boundaries, if applicable; and test pits or borings if required to determine subsoil conditions.

11. The Review Authority shall analyze the Drainage Plan to assure that the following conditions are met:

a. Surface water runoff on the site shall be absorbed or retained on the site so that the rate of flow of surface water leaving the site would not be greater than if the site had remained undeveloped.

b. Surface water from the site shall be discharged to a City storm sewer or ditch, where available and of sufficient capacity to handle the flow.

c. Surface water flow may be directed onto adjoining private property only under the following

circumstances:

(1) The surface water follows a predevelopment drainage course.

(2) The property owner of the site being developed executes an Indemnity and Hold Harmless Agreement with the City, drafted by the City Attorney.

(3) Private drainage tiles may be connected to those on adjacent property only with the written permission of said property owner.

d. Nonresidential uses and all parking areas shall not discharge surface water onto any property zoned residential unless such drainage is approved by the City Engineer.

e. All floodland developments shall be elevated or floodproofed to an elevation at least two (2') feet above the elevation of the one hundred (100) year recurrence interval flood.

f. Floodland developments shall not increase flood stages and flood discharges beyond the limits set forth in **§3.20** and **§3.21** of this Ordinance.

12. The Review Authority may require site grading:

a. To create drainage swales.

b. To create berms as noise, wind, or visual barriers.

c. To correct undesirable landforms.

d. To raise the ground level above unfavorable subgrade conditions such as groundwater.

e. To create, emphasize or control circulation routes such as paths or roads.

f. To relate the site to the surrounding area.

g. To prevent erosion and sedimentation.

h. To provide storm water retention or detention basins for development of five (5) acres or more when such basins or other retention means are required to retain and limit any surface water runoff to its original rate of flow and point of discharge prior to development.

F. Landscape Plans. Landscape Plans shall show and indicate:

1. The location and footprint of any and all buildings and structures.

2. Dimensions of development site, indicated along the property line.

3. Existing and proposed streets, drives, sidewalks, alleys and intersections, pedestrian and vehicular access points, bicycle paths, bridges, and other pedestrian and vehicular circulation elements, labeled with street names and dimensioned. Surface materials shall also be identified.

4. Location and dimensions of parking lots, parking spaces, and parking lot accessways.

5. Location and dimensions of all existing or planned easements, lands subject to covenant, lands to be dedicated or devoted to public use, and right-of-ways.

6. The location and dimensions of snow removal and storage areas.

7. The location and dimensions of outdoor lighting fixtures, freestanding signs, permanent or temporary walls and fences, waste and trash disposal facilities, surface utility structures, and other freestanding structural features.

8. The location and dimensions of playgrounds, tot lots, and other recreational facilities.

9. Details of all permanent fences and walls to be constructed on the site, including dimensioned elevations and materials schedules.

10. Existing and proposed contours and grades, including the location, slope ratios (horizontal to vertical), of all proposed berming, at a one (1') foot contour interval. Location, extent, and general elevations and slope ratios of all surface water retention and detention areas and drainageways. Elevations at top and bottom of all proposed retaining and screening walls and fences. Existing lines should be shown as dotted lines.

11. All plants shall only be labeled or identified on the plan as either a coniferous or deciduous plant. The location, quantity, installation size, and distance between plants shall be identified.

12. Specification of the type and boundaries of all proposed ground cover, including both scientific and common names of all proposed plant materials.

13. The location of paving materials and non-living ground cover which is identified by description and brand names.

14. Location, species, and size of all existing trees that are three (3") inches or larger in diameter, measured fifty-four (54") inches above natural grade. Any trees to be removed should be clearly identified. Trees measuring three (3") inches or greater which will be used to meet landscape requirements shall also be indicated. If required for reasons of clarity, this information may be depicted as a supplemental illustration.

15. Tree line of wooded areas.

16. Orchards or other agricultural groves by common or scientific name.

17. A **Landscape Improvement Table** with the following information:

a. Square footage of parking lot area.

b. Square footage, and percentage of interior parking lot landscape area expressed as a ratio to total parking lot area.

c. Number of trees provided for parking lot interior.

d. Plant quantities provided for buffer strips and medians.

e. Square footage of interior open spaces.

f. Number of trees on interior open spaces.

18. Proposed location of all utilities on the site; i.e., gas, water, sewer, cable, irrigation, drainage, etc.

19. Compliance with **§4.06** of the Zoning Ordinance, entitled "Landscape Standards" and §34.10 of the Code of General Ordinances, entitled "Tree Protection".

20. Plan should identify how plantings and buffer area will be maintained including location of any irrigation systems.

21. Recommended Trees, Shrubs and Ground Cover. Species and/or varieties of trees, shrubs and ground cover shall be those recommended by the City Forester or the most recent version of "A Guide To Selecting Landscape Plants For Wisconsin", by E.R. Hasselkus.

The following criteria shall also govern selection:

a. Size in relation to proximity to buildings, utilities, entrances, pedestrian walkways, roads and other improvements.

b. Species in relation to plant hardiness (Zones 5 through 2), disease or insect resistance, and low

maintenance.

14.08 SITE LANDSCAPE STANDARDS

A. Intent. The following landscape standards shall be established as part of the Landscape Plan to ensure that:

1. Neighboring properties are shielded from subject site uses.

2. Subject site is shielded from the negative impacts of adjacent uses, including streets or railroads.

3. The appearance and desirability of the development contributes to the overall attractiveness and health, safety and welfare of the City.

B. General Requirements. The following shall establish the standards for the preparation and submission of required plans for landscape and screening.

1. Landscape Plan Required. A Landscape Plan shall be required for all projects requiring Site Plan Review.

2. Content of Landscape Plan. At a minimum, all Landscape Plans shall include or have attached thereto the information required in **§14.07 F.** of the Zoning Ordinance.

3. Tree Protection Plan shall show existing trees, trees to be removed, and indicate how existing trees will be protected on the site.

C. Timing Of Landscape Improvements. All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy. However, a temporary Certificate of Occupancy may be issued if weather conditions prevent installation of all or portions of the landscape materials, provided the developer enters into a written agreement which sets forth the date at which time all landscaping is to be completed and deposits with the City Clerk/Treasurer a cash bond, letter of credit or other "assurance" as approved by the City Attorney, for the completion of all landscaping. The amount of the assurance, as determined by the City Forester, shall reasonably compensate the City for its cost of completion of any landscaping improvements not completed by the agreed date.

D. Landscape Open Space. All open space or open areas required by the yard requirements of the zoning district or as required for storm water control or other purposes in the Site Development Standards shall be landscaped in accordance with the standards set forth in this Section. Unless otherwise identified, all development shall contain a minimum of fifteen (15%) percent of the site in landscaped open space, including interior parkways, buffer strips, parking lot landscaping, and site interior landscaping.

E. Flexibility in the Administration of Required Landscape Standards.

1. To meet the objectives of this Section, the following landscape requirements are hereby established. These standards provide specific requirements for site landscaping. However, the City recognizes that, because of the wide variety of types of developments and sites and the relationships between them, it is neither possible nor prudent to establish inflexible landscaping requirements. Therefore, the City may either require more intensive or allow less intensive landscaping whenever it finds that such deviations will satisfy the intent set forth in this Section.

2. Whenever the City allows or requires deviation from the requirements set forth in this Section, it shall

enter on the face of the Landscape Plan the reasons for allowing or requiring deviation from the requirements of this Section.

F. Types of Landscaped Areas. This Chapter regulates landscaping of five distinct areas of the parcel being developed as follows:

1. Interior Parkway. A landscaped open space directly abutting a public street right-of-way.

2. Parkway. The unpaved portion of the public street right-of-way between a curb or curbline and sidewalk.

3. Buffer Strip Area. A landscaped area intended to separate two adjacent land uses or properties from one another, and soften land use incompatibility.

4. Parking Lot Landscaping. Landscaped area within or surrounding a parking area, used to soften the visual and environmental character of paved parking areas.

5. Site Interior Landscaping. The open space area surrounding buildings intended to enhance building and site character excluding the interior parkway, parking lot landscaping, and perimeter landscape area.

See Figure 2 which provides a graphic illustration of each area above described.

G. Multiple Family Site Landscaping Requirements. The following landscape requirements apply to multifamily residential uses:

1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-ways, as shown in **Figure 3.**

Interior parkway landscape standards for multiple-family residential uses in all zones other than within the B-3 Central Business District are indicated in **Table 1**, except where vehicular site lines may be impaired.

Landscape screening as shown on **Figure 4** shall consist of one or a combination of the following along at least fifty (50%) percent of the frontage.

a. Masonry walls compatible with proposed building design and landscaped with foundation plantings.
b. Screen fence of wood or approved material at least seventy-five (75%) percent opaque and landscaped with foundation plantings.
c. Planting screen, including earth berming, ornamental and evergreen trees, shrubs and groundcover.

2. Parkway Landscaping. Parkway landscaping is required of development in order to provide street tree plantings along public right-of-ways.

A minimum of one (1), two (2") inch caliper deciduous tree is required for every forty (40\') linear feet of parkway frontage.

Parkway shade trees not required when plans show deciduous trees in interior parkway within thirty-five (35') feet of parkway curb line.

3. Buffer Strips. All developments shall create a buffer between land uses promoting a sense of privacy and security. Buffers shall be composed of landscape plantings, earth berming and/or screen fencing

as required for intended land use, as indicated in **Table 2**. **Figure 5** illustrates the options which are permitted in the buffer strip.

Buffer strips shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit.

Shrubs are intended to be planted in groupings or hedges through the buffer strip, at a minimum height of twenty-four (24") inches.

Screen fencing or walls shall be of wood, face brick or other approved material.

4. Site Interior Landscaping. Site interior landscaping should utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics, through the implementation of the following standards:

a. Between Buildings.

(1) There should be sufficient quantities of shade, ornamental and evergreen trees, shrubs, and groundcovers to adequately screen undesirable views and create a sense of privacy at the side and rear of adjacent buildings.

(2) There should be a minimum quantity of one (1) shade tree for every five thousand (5,000) square feet of open space between and at the rear of buildings. This quantity should be calculated separately from and not be counted toward any buffer strip or interior parkway quantity requirements.

(3) Up to fifty (50%) percent of the shade trees required may be substituted with ornamental or coniferous trees.

(4) All designated lawn areas between or around buildings should be sodded. Seed may be used if an irrigation system is installed in this area.

b. Foundation Planting.

(1) A minimum five (5') foot wide landscape area should be provided along fifty (50%) percent of building walls.

(2) This landscape area should be planted with a balance of ornamental and coniferous trees, shrubs and groundcovers. Trees must be columnar in form when planted within twenty (20') feet of a building overhang.

(3) Plantings should emphasize softening of the large expanses of building walls length and height, accent building entrances and architectural features and screen mechanical equipment adjacent to buildings.

c. Utility and Mechanical Equipment Screening.

(1) All freestanding utility and mechanical equipment shall be screened from view through the use of evergreen plant materials or fencing compatible with proposed building design.

(2) Trash dumpsters shall be screened with fencing of decorative wood or masonry at least six (6') feet in height, with a solid, attractive single or double access gate on one side only, and with shrubs or trees, as shown in **Figure 6**.

H. Commercial Site Landscaping Requirements. The following landscape requirements refer to commercial uses, which include all commercial, office and institutional uses.

1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-ways. **(See Figure 8.)**

Interior parkway landscape standards for commercial uses in all zones are indicated in **Table 3**.

Parking lot frontage shall be screened to a height of three (3') feet along at least fifty (50%) percent of the frontage, as shown on **Figure 7**.

2. Parkway Landscaping. Parkway landscaping is required of development in order to provide street tree plantings. Parkway landscape standards for commercial uses shall include one (1), two (2") inch caliper deciduous tree for every forty (40') feet of street frontage.

Parkway trees are not required when plans show shade trees in interior parkway within thirty-five (35') feet of parkway curb line.

Parkway trees shall conform to Chapter 34 of the Code of General Ordinances.

3. Buffer Strips. All commercial developments shall create a buffer between land uses. Buffers shall be composed of landscaping plantings, earth berming or screen fencing. **Figures 8 and 9 and Table 4** illustrate permissible buffer strip options.

Buffer strips shall be provided along the periphery of the development site, except where cross access, utilities or special circumstances prohibit.

Ornamental clump trees shall be a minimum of five (5') feet; all other ornamental trees shall be a minimum of two (2") inch caliper.

Shrubs shall be planted in groupings or hedges through the buffer strip.

Screen fencing or walls of wood, face brick, or other approved material, shall be provided.

4. Site Interior Landscaping. Site interior landscaping shall utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics.

a. Between Buildings.

(1) There shall be sufficient quantities of deciduous, ornamental and coniferous trees, shrubs and groundcovers to adequately screen undesirable views at the sides and rear of buildings.

(2) All designated lawn areas between or around buildings shall be sodded. Seed may be used if an irrigation system is provided.

b. Foundation Planting.

(1) A five (5') foot wide landscape area should be provided adjacent to all building walls. All trees shall be planted a minimum of ten (10') feet from building overhangs and only columnar trees may be planted within twenty (20') feet of a building overhang.

(2) The landscaped area should be planted with a balance of ornamental and coniferous trees, shrubs, and groundcovers.

(3) Plantings should emphasize softening of large expanses of building walls length and height, accent building entrances and architectural features and screen mechanical equipment adjacent to buildings.

c. Service Area Screening.

(1) All service areas such as loading docks, freestanding utility and mechanical equipment shall be screened from view through the use of coniferous plant materials or fencing compatible with proposed building design.

(2) Trash dumpsters and other waste receptacles or equipment shall be screened with fencing of decorative wood or masonry six (6') feet in height, with shrubbery or trees and a solid, attractive single or double access gate on one side only, and with shrubs and trees, as shown in **Figure 6**.

I. Industrial Use Landscape Requirements. The following landscape requirements apply to industrial uses:

1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-way.

Interior parkway landscape standards for industrial uses in all zones are illustrated in **Table 5**.

Parking lot frontage shall be screened, except where vehicular sight lines may be impaired, as shown in **Figure 10.**

2. Parkway Landscaping. Parkway landscaping is required of developments in order to provide street trees.

Parkway landscape standards for industrial uses in all Industrial Districts shall include one (1) two (2") inch caliper tree for every forty (40') linear feet of street frontage.

Parkway trees not required when plans show deciduous trees in interior parkway within thirty-five (35') feet of parkway curb line. Parkway trees shall conform to Chapter 34 of the Code of General Ordinances.

3. Buffer Strips. All Development shall create a buffer between land uses promoting a sense of privacy, as illustrated in **Tables 6, 7 and 8**. Buffers may be composed of landscape plantings, earth berming and screen fencing as required for intended land-use, specified below. Buffer strip plants shall contain deciduous, ornamental or coniferous trees or combination thereof. **Figures 11, 12, and 13** illustrate the options which are permitted in buffer strips, in relation to adjacent zoning districts.

Shrub beds should be used especially when deciduous trees represent fifty (50%) percent or more of plantings. A larger number of coniferous trees and shrubs must be used when land uses conflict such as between industrial land use adjacent to residential land uses.

Buffer Strips shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit.

Shrubs are intended to be planted in groupings or hedges through the buffer strip.

Screen fencing or walls of wood, face brick or other approved material six (6') feet high, at least seventy-five (75%) percent opaque, or earth berming at a maximum slope of 3:1 (horizontal to vertical) shall be provided.

4. Site Interior Landscaping. Site interior landscaping should utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics, through the implementation of the following standards:

a. Foundation Planting.

(1) At minimum there shall be a five (5') foot wide landscape area along fifty (50%) percent of any building wall or portion of wall visible from the public right-of-way.

(2) These plantings should emphasize softening of large expanses of building walls length and height, accent building entrances and architectural features.

b. Service Area Screening.

(1) All service areas, activities and facilities shall be substantially screened from view through the use of coniferous plant materials and/or fencing compatible with proposed building design.

(2) Trash dumpsters and other waste receptacles or equipment shall be screened with fencing of decorative wood or masonry six (6') feet in height with a solid, attractive single or double access gate on one side only, and with shrubs and trees, as shown on **Figure 6**.

J. Parking Lot Landscaping. Landscaping shall be provided within all parking lots. Parking lot plantings shall provide screening, shade, subdivided space, and are intended to reduce glare and heat from pavement surfaces, by meeting the following standards:

1. Each parking row, regardless of its length, should begin and end with a landscape island with barrier type curbs.

FIGURE 1

2. No parking space shall be more than ninety (90') linear feet away from either a landscaped parking island or landscaped buffer strip, foundation planting or landscaped interior parkway.

3. All parking lots or portions of parking lots adjacent to Buffer Strips or Interior Parkways which are adjacent to any residential properties shall be screened from view by landscaping, fencing, berming, and/or a combination thereof.

4. Shrubs within parking lot islands shall be maintained at a height not to exceed three (3') feet.

5. Parking lot landscape areas shall have a minimum width of eight (8') feet, measured from back of curb to back of curb and a depth equal to the depth of the parking stall, as shown in **Figure 14**. Irregularly shaped planting islands may be permitted upon approval by the City Forester. Landscape islands shall include at least one (1) two and one-half (2-1/2″) inch deciduous caliper tree. Additional trees may be required depending on the size of the island and the location of parking lot lighting.

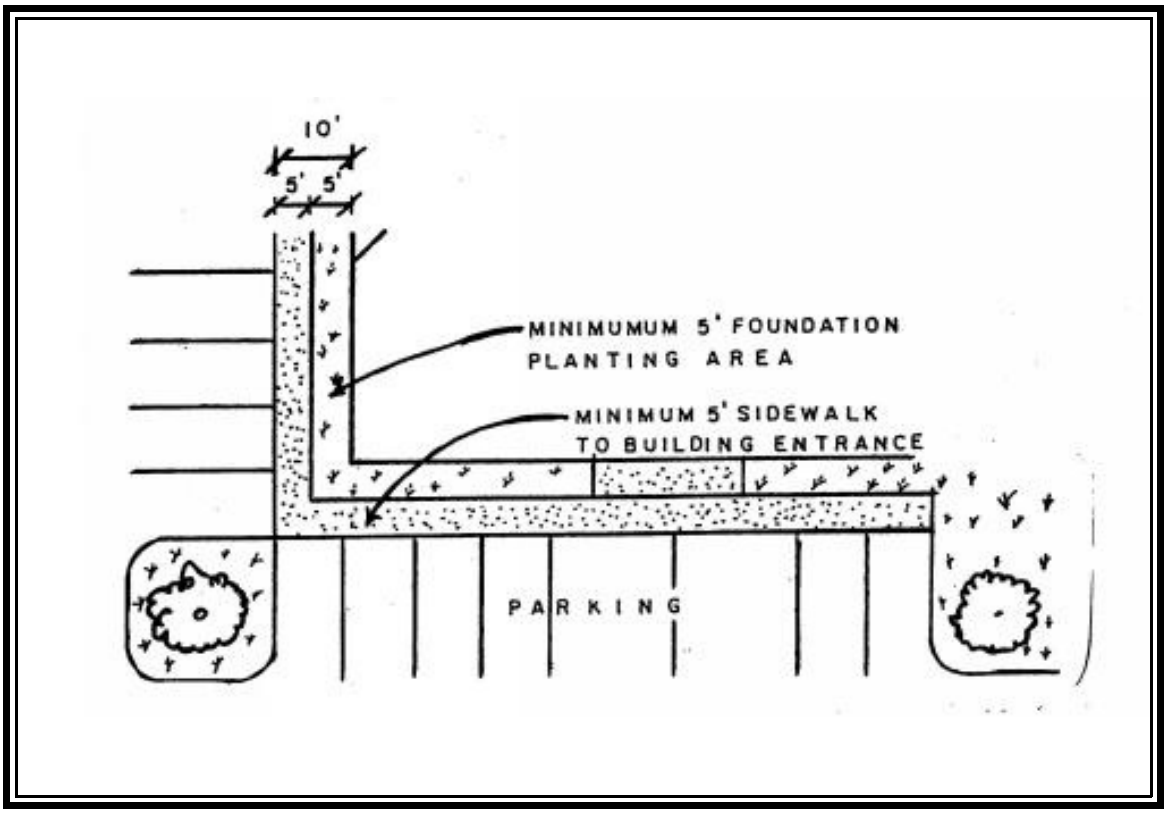

10'
5'
5'
MINIMUMUM 5' FOUNDATION
PLANTING AREA
MINIMUM 5' SIDEWALK
TO BUILDING ENTRANCE
PARKING

FIGURE 2
LANDSCAPED AREAS

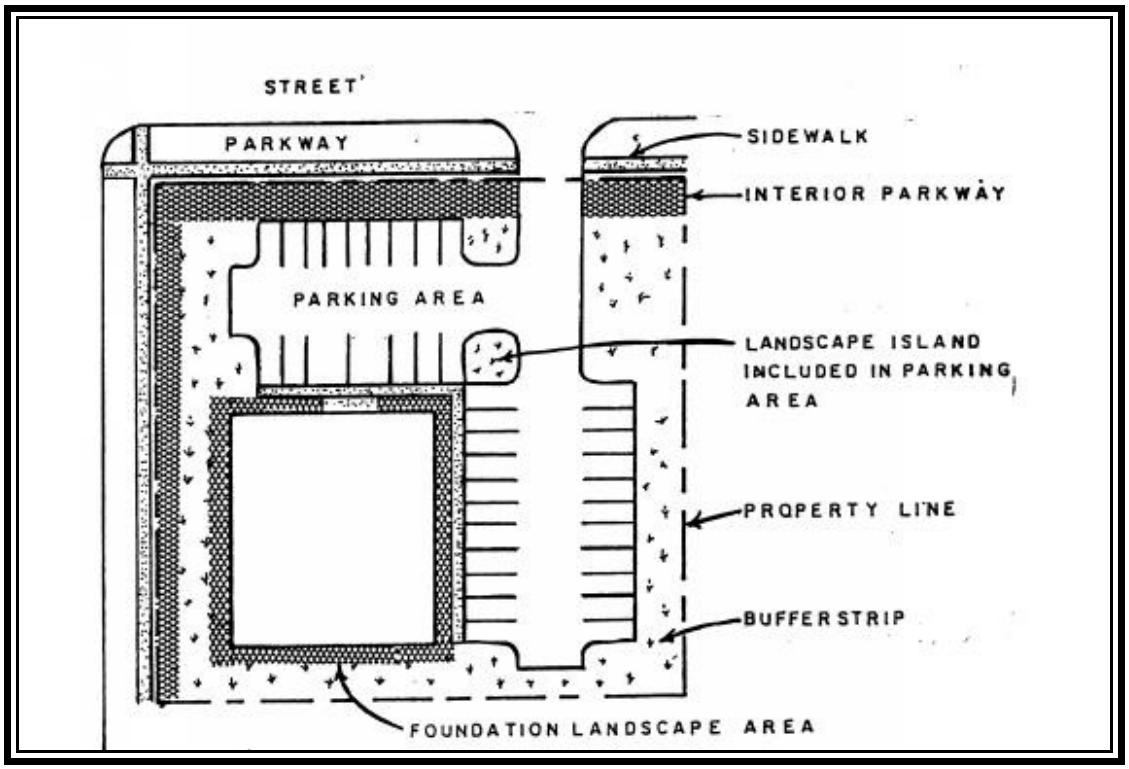


FIGURE 3
MULTI-FAMILY INTERIOR PARKWAY LANDSCAPING

Option 1

Option 2

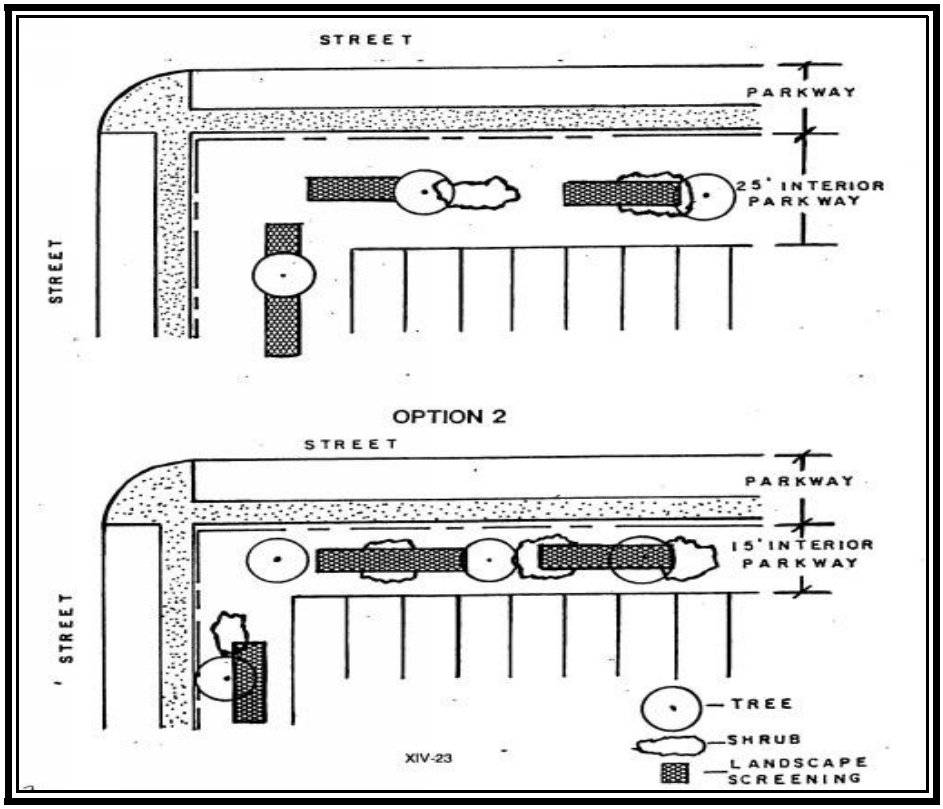


FIGURE 4
LANDSCAPE SCREENING OPTIONS

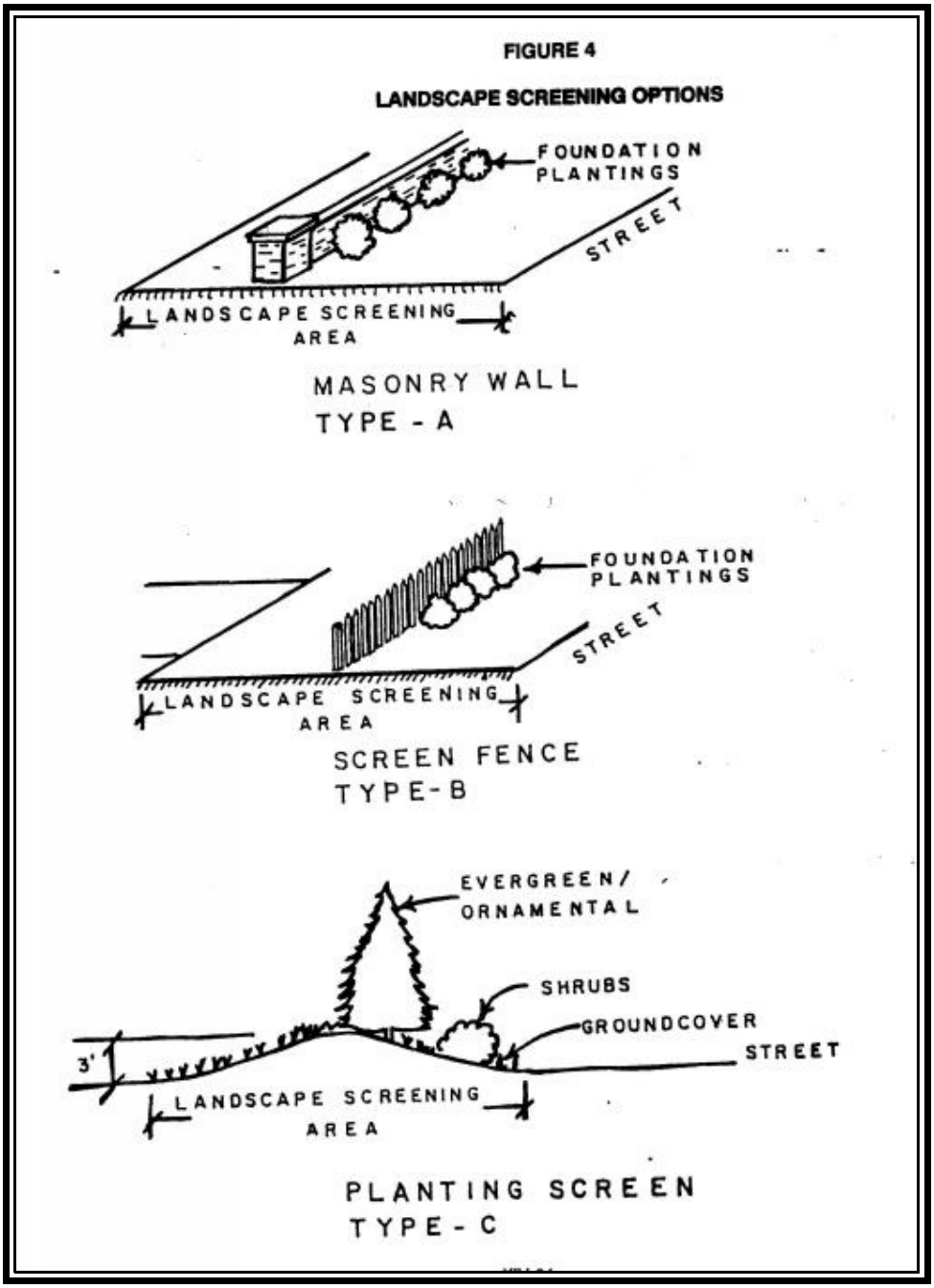


FIGURE 5
MULTI-FAMILY BUFFER STRIPS

OPTION 1

OPTION 2

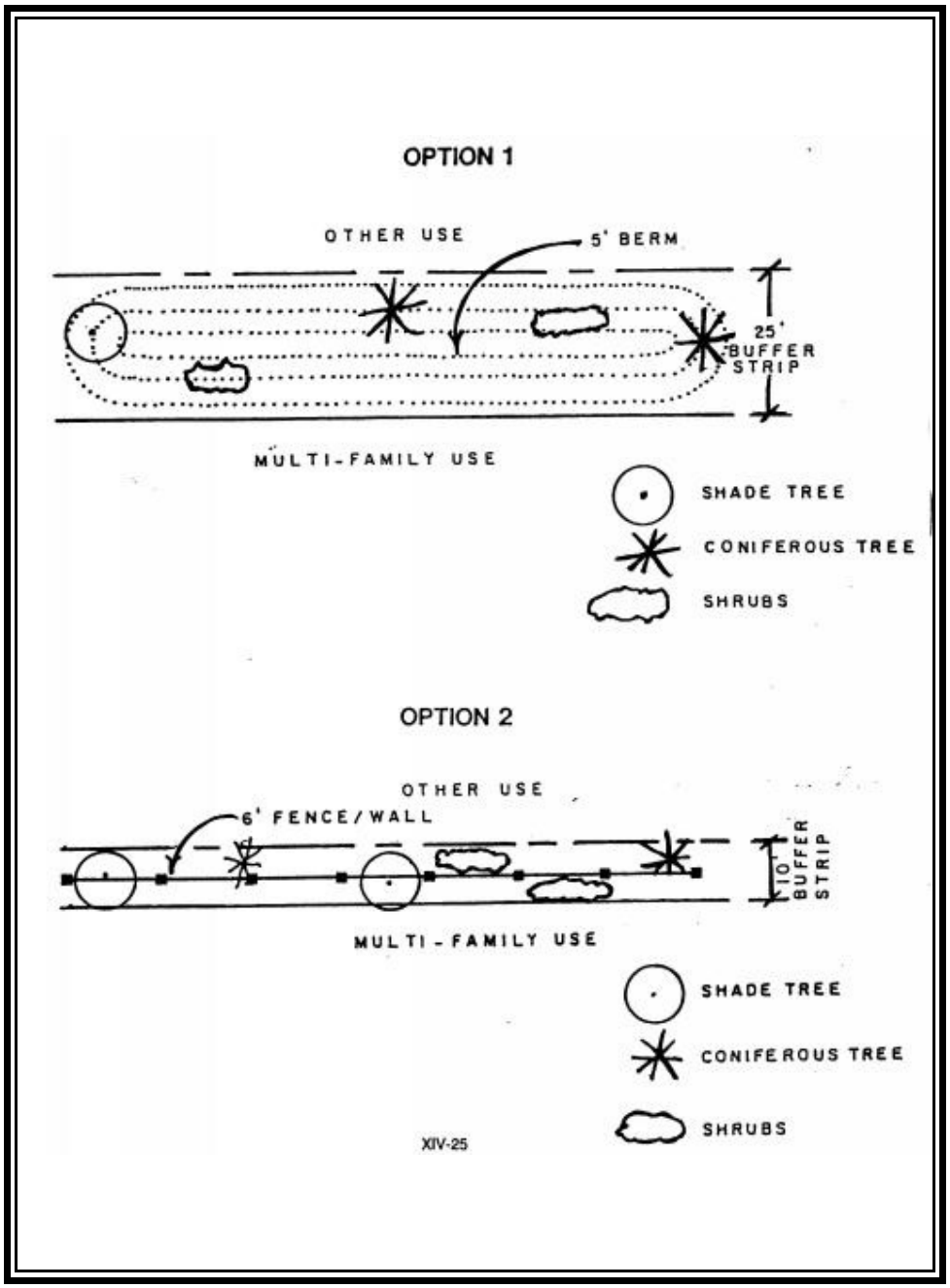


FIGURE 6
SERVICE AREA SCREENING

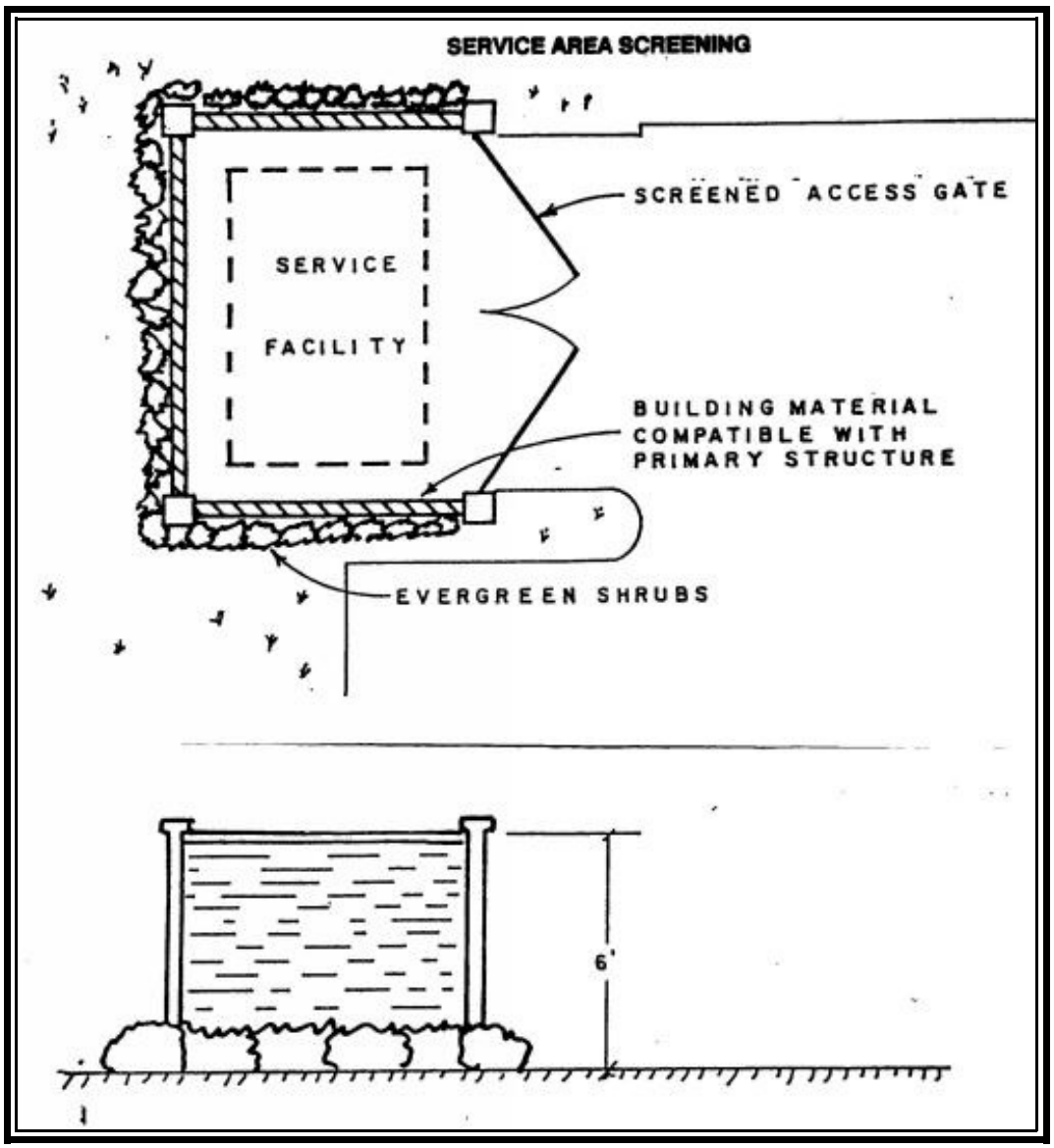
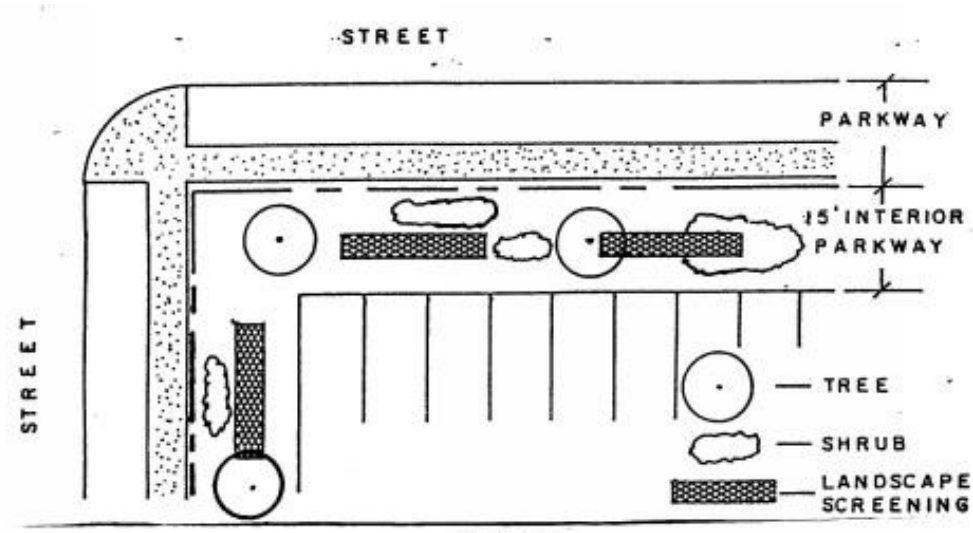


FIGURE 7
COMMERCIAL INTERIOR
PARKWAY LANDSCAPING

OPTION 1



OPTION 2

OPTION 2

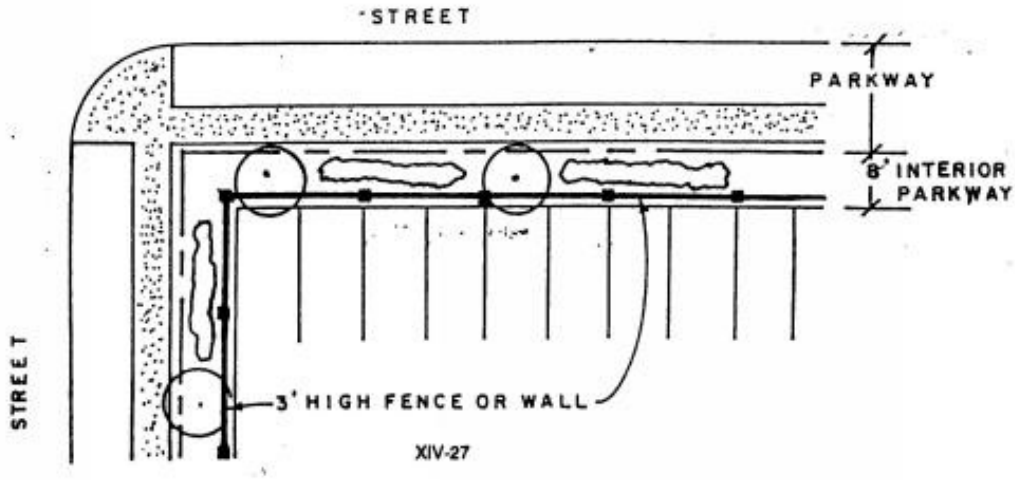
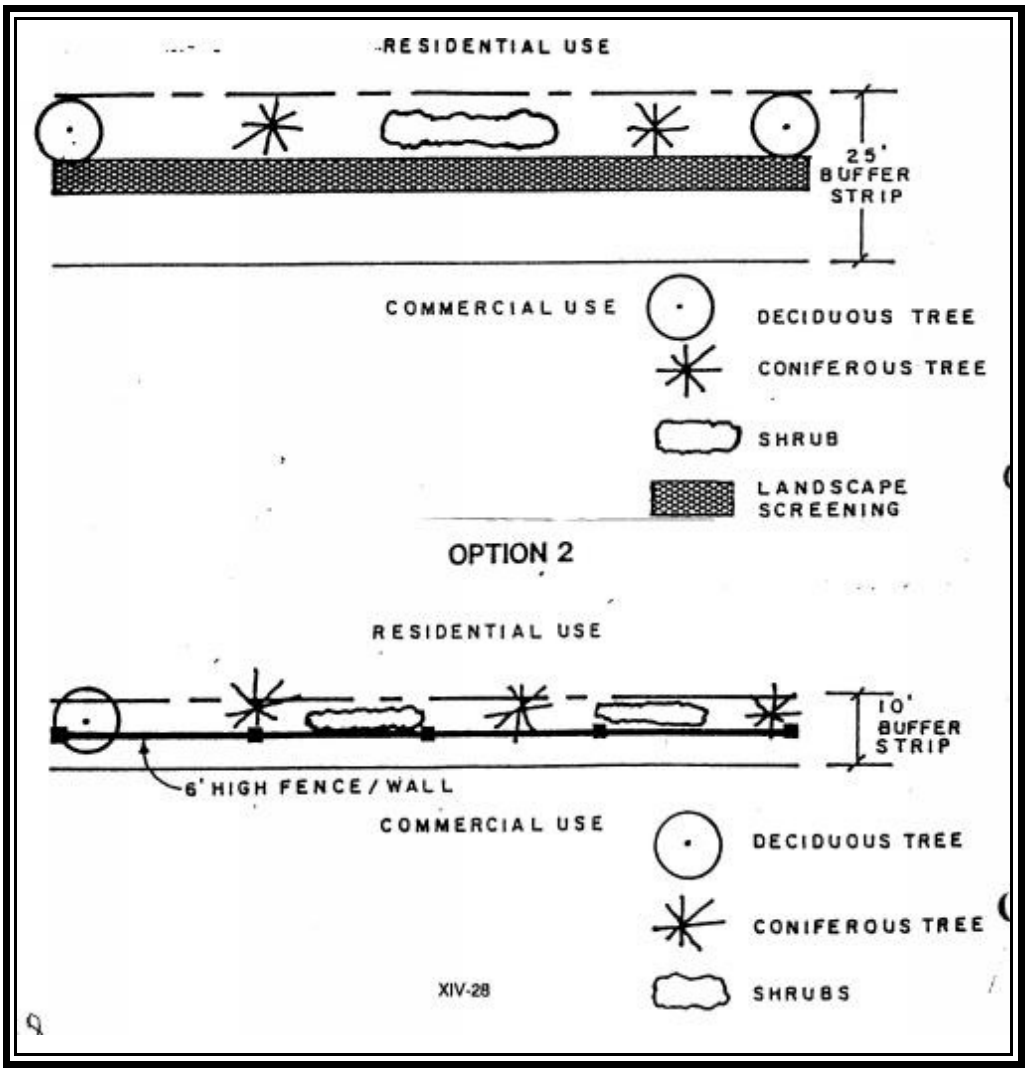


FIGURE 8
COMMERCIAL BUFFER STRIP
ABUTTING RESIDENTIAL ZONE

OPTION 1



OPTION 2

FIGURE 9
COMMERCIAL BUFFER STRIPS
ABUTTING NONRESIDENTIAL ZONE

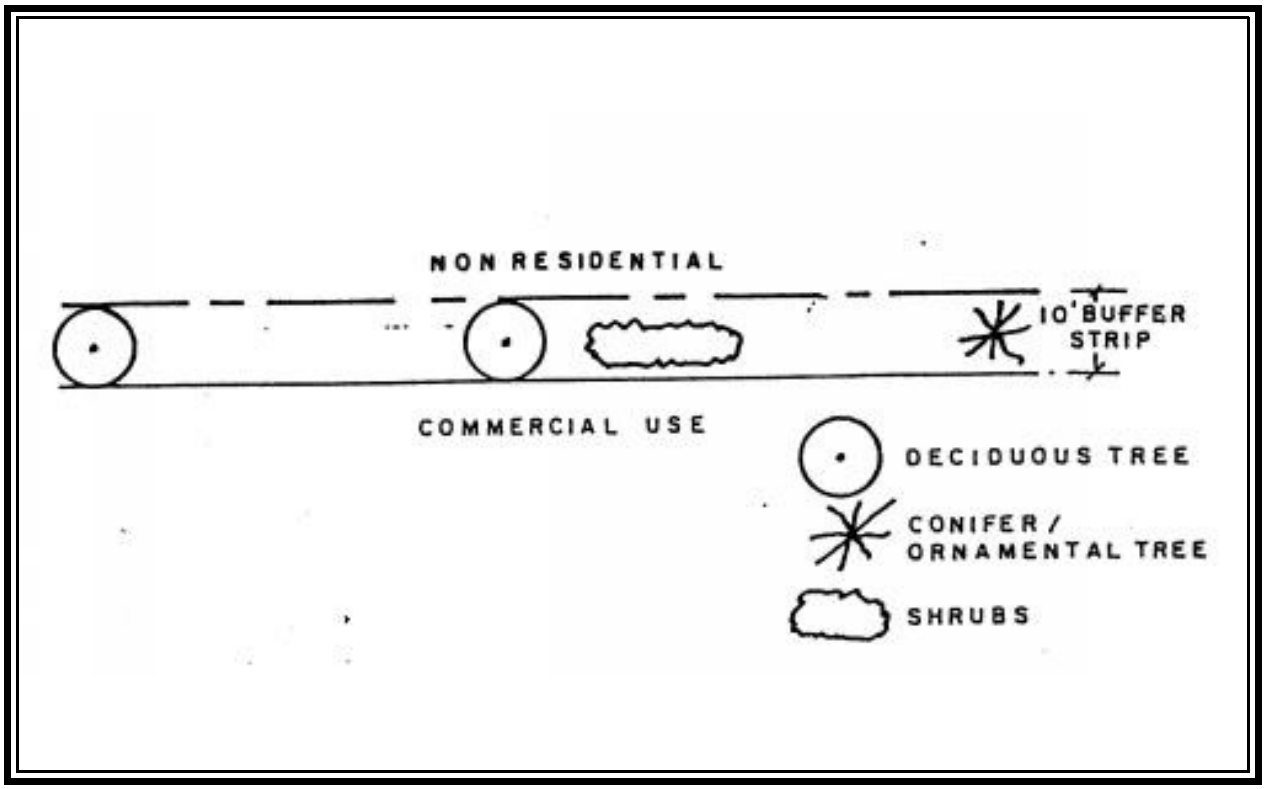
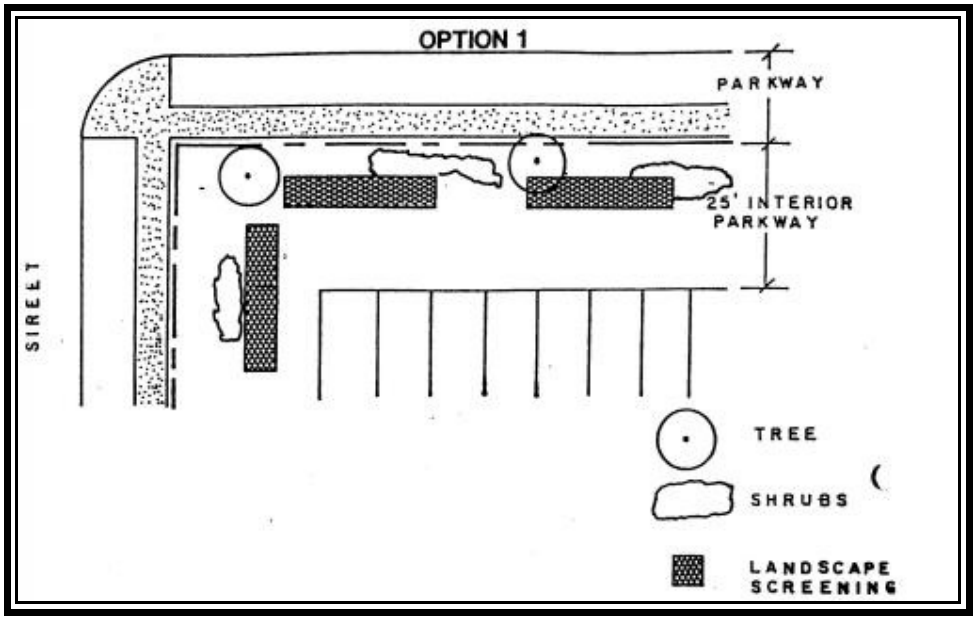


FIGURE 10
INDUSTRIAL INTERIOR PARKWAY LANDSCAPES

OPTION 1



OPTION 2

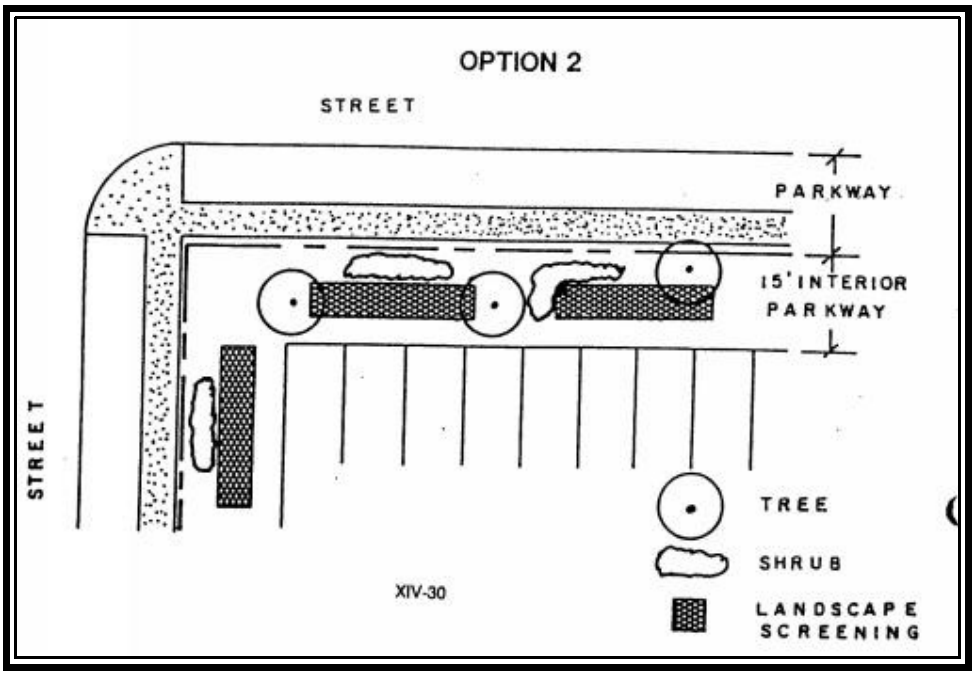
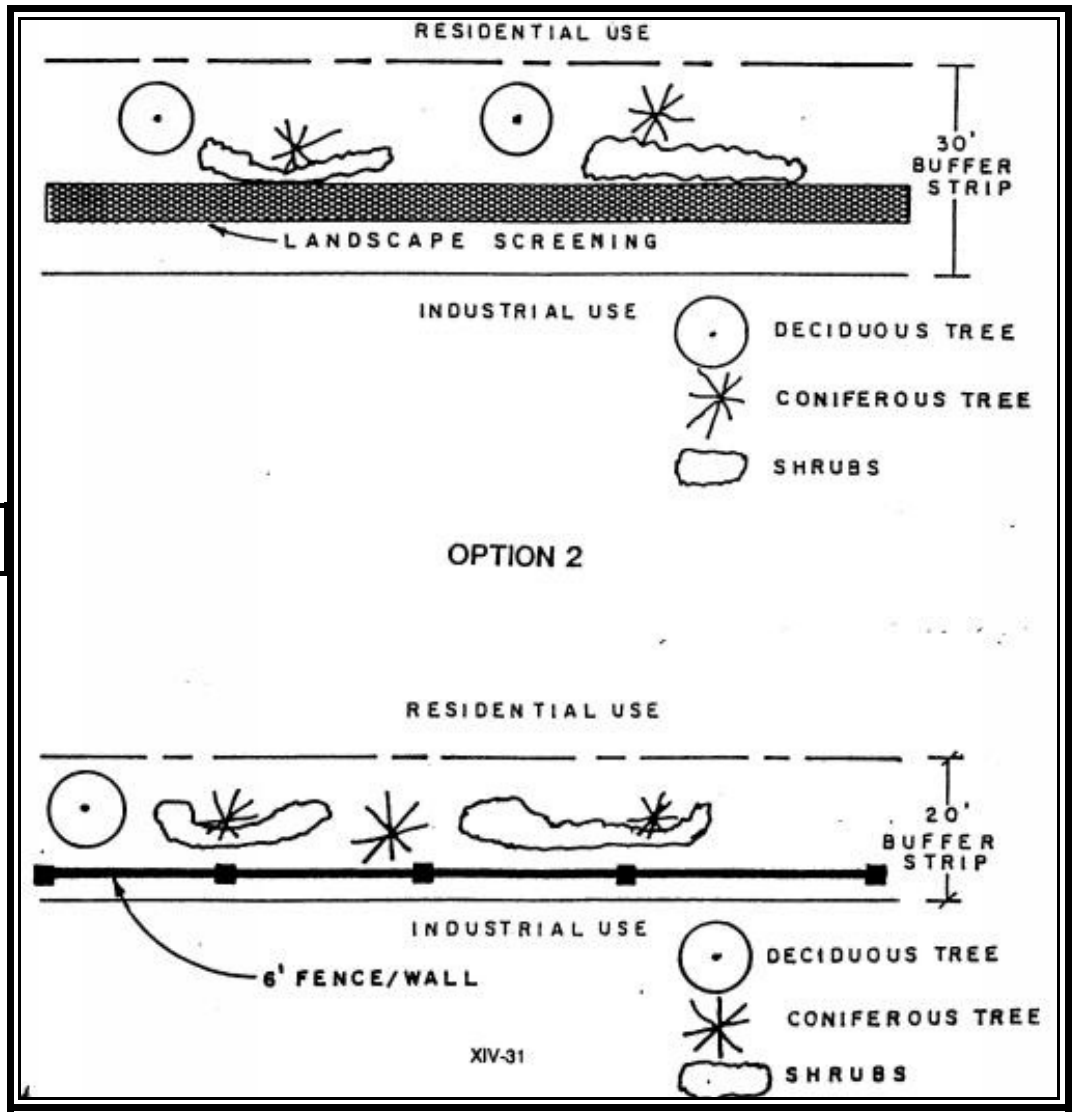


FIGURE 11
INDUSTRIAL BUFFER STRIP
ABUTTING RESIDENTIAL ZONE

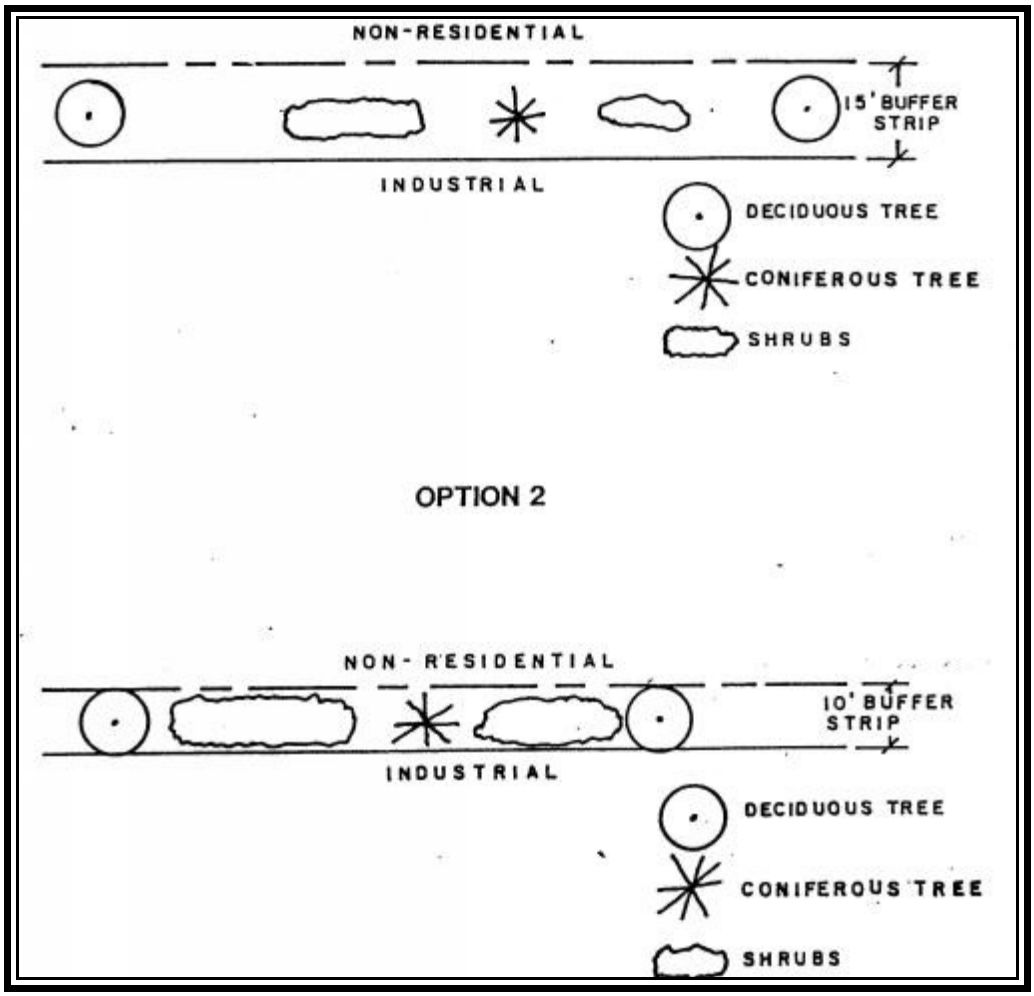
OPTION 1



OPTION 2

FIGURE 12
INDUSTRIAL BUFFER STRIP
ABUTTING NONRESIDENTIAL ZONE

OPTION 1



OPTION 2

FIGURE 13
INDUSTRIAL BUFFER STRIP
ABUTTING INDUSTRIAL ZONE

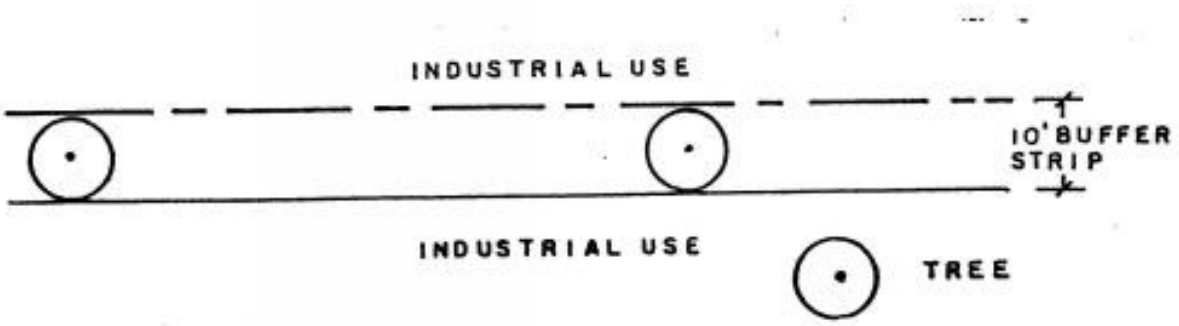


FIGURE 14
TYPICAL PARKING LOT PLANTING ISLAND

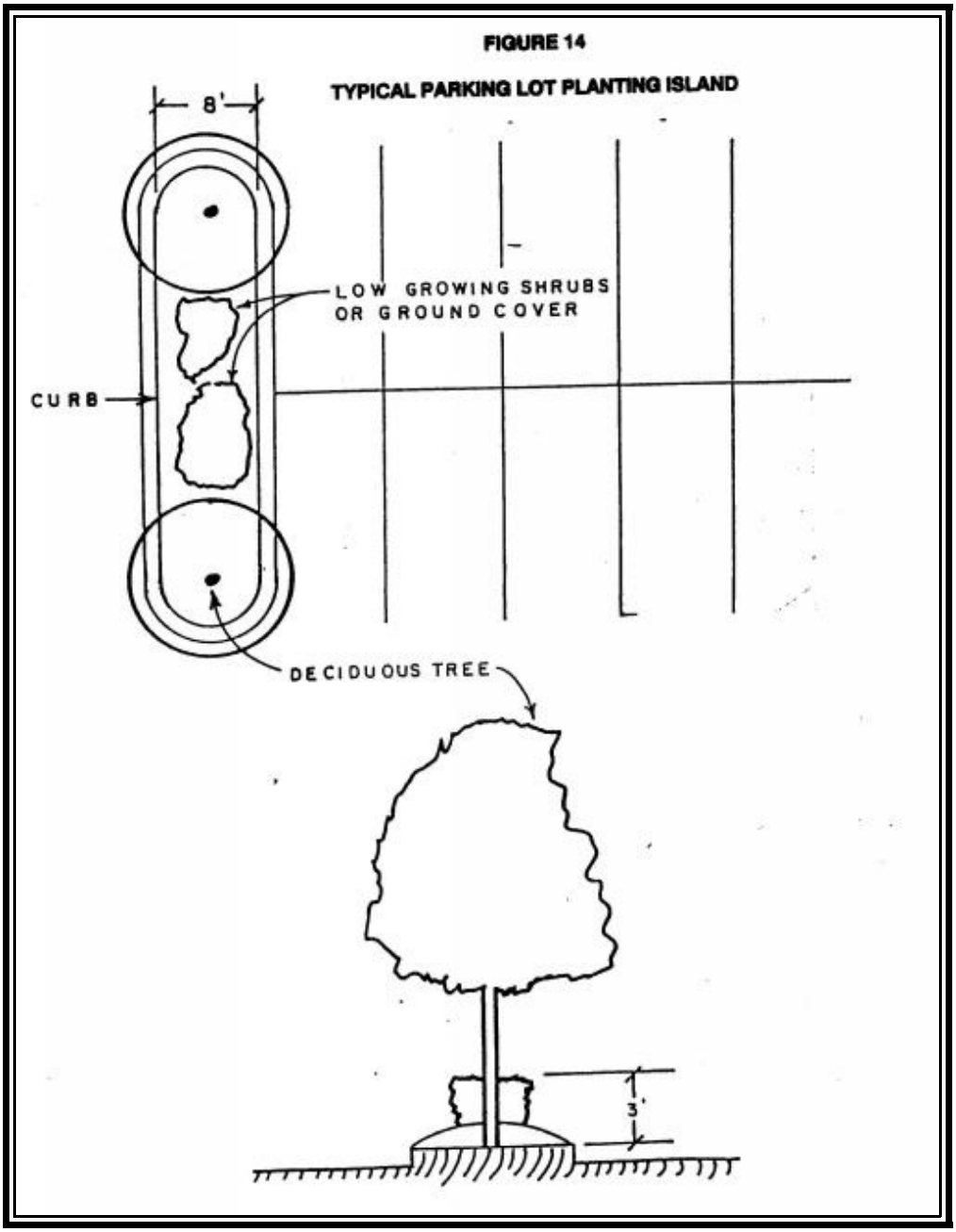


TABLE 1
INTERIOR PARKWAY LANDSCAPING
FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT

Minimum Requirements	Option 1 Parking Lot In View Of The R-O-W	Option 2 Parking Lot In View Of The R-O-W
Width of Interior Parkway	25 Feet	15 Feet
Landscape Screening (Select 1) **- Berming (Height % of Frontage)** **- Masonry Wall (Height % of Frontage)** **- Screen Fence of Wood or Other Material (Height % of Frontage)**	 3 Feet/50% 3 Feet/50% 3 Feet/50%	 3 Feet/75% 3 Feet/75% 3 Feet/75%
Plantings: **Trees**	One 6 Foot Coniferous or One 2.5" Caliper Deciduous Tree Per 60 Feet of Frontage	One 6 Foot Coniferous or One 2.5" Caliper DeciduousTree Per 40 Feet of Frontage
Shrubs **- Percent of Frontage** **- Percent to be Coniferous** **- Planting Size**	 50% 50% Coniferous - 18 Inches Deciduous - 3 Feet	 50% 50% Coniferous - 24 Inches Deciduous - 3 Feet

TABLE 2
BUFFER STRIPS FOR MULTI-FAMILY RESIDENTIAL USES

Minimum Requirements	Option 1	Option 2
MINIMUM WIDTH OF BUFFER STRIP	25 Feet	10 Feet
NUMBER OF TREES	One Tree Per 60 Feet of Linear Buffer Strip	One Tree Per 30 Feet of Linear Buffer Strip
SIZE OF TREES AT INSTALLATION **Deciduous Trees** **Coniferous Trees** **Ornamental Tree** **Percent of Trees to be Coniferous**	 2.5" Cal. 5 Feet Clump Tree - 5 Feet Cal. Tree - 2 Inches 25%	 2.5" Cal. 5 Feet Clump Tree - 5 Feet Cal. Tree - 2 Inches 50%
SHRUBS: **- % of Buffer to be Planted in Shrubs** **- % of Shrubs to be Coniferous** **- Height at Installation (Deciduous)** **- Height at Installation (Evergreen)**	 20% 50% 3 Feet 18 Inches	 30% 50% 3 Feet 24 Inches
SCREEN FENCE OR WALL **- Height Above Grade** **- % of Buffer Strip Fence to be Installed Along**	 Not Required Not Required	 6 Feet 100 %
BERMING **Height Above Grade** **% of Buffer Strip to Contain Berm**	 5 Feet 100%	 Not Required Not Required

TABLE 3
INTERIOR PARKWAY LANDSCAPING FOR COMMERCIAL USES

Minimum Requirements	Option 1	Option 2	Parking Lot Not In View of R-O-W
Width of Interior Parkway	15 Feet	8 Feet	Not Required
Landscape Screening (Select One):			
- Berming (Height % of Frontage)	3 Feet/50%	N/A	Not Required
- Masonry Wall (Height % of Frontage)	3 Feet/50%	3 Feet/100%	
- Screen Fence of Wood or Other Material (Height % of Frontage	3 Feet/50%	3 Feet/100%	
PLANTINGS:			
Number of Trees	One Tree Per 40 Feet of Linear Street Frontage	One Tree Per 40 Feet of Linear Street Frontage	Not Required
SIZE AT INSTALLATION:			
Deciduous Trees	2.5" Cal.		
Coniferous Trees	6 Feet		
Ornamental Trees	Clump Tree - 5' Cal. Tree - 2.5"		
Percent of Trees to be Coniferous	50%	75%	
SHRUBS:			
- Percent of Frontage	50%	75%	
- Percent to be Coniferous	50%	50%	
- Planting Size	Coniferous-18" Deciduous -3 Ft	Coniferous-24" Deciduous - 3 Ft	

TABLE 4
BUFFER STRIPS FOR COMMERCIAL USES

Minimum Requirements	OPTION 1 Commercial Use Adjacent To Residential	OPTION 2 Commercial Use Adjacent To Residential	Commercial Use Adjacent To NonResidential
MINIMUM WIDTH OF BUFFERS	25 Feet	10 Feet	10 Feet
NUMBER OF TREES	One Tree Per 40 Feet of Linear Buffer Strip	One Tree Per 40 Feet of Linear Buffer Strip	One Tree Per 60 Feet of Linear Buffer Strip
SIZE OF TREES AT INSTALLATION: **- Deciduous Trees** **- Coniferous Trees** **- Ornamental Trees**	2.5" Cal. 5 Feet Clump Tree - 5' Cal. Tree - 2"	2.5" Cal. 5 Feet Clump Tree-5' Cal. Tree - 2"	2.5" Cal. 5 Feet Clump Tree-5' Cal. Tree - 2"
PERCENT OF TREES TO BE CONIFEROUS	50%	75%	25%
SHRUBS			
- % of Buffer Strip to be Planted with Shrubs	25%	40%	20%
- % of Shrubs to be Coniferous	50%	50%	50%
- Size of Deciduous Shrubs **- Size of Coniferous Shrubs**	3 Feet 18 Inches	3 Feet 18 Inches	3 Feet 18 Inches
SCREEN FENCE OR WALL			
- Height Above Grade	6 Feet	6 Feet	Not Required
- % of Buffer to Contain Fence/Wall	100% -or-	100%	Not Required
BERMING			
- Height Above Surrounding Grade	5 Feet	Not Required	Not Required
- % of Buffer To Contain Berming	100%	Not Required	Not Required

TABLE 5
INTERIOR PARKWAY LANDSCAPING FOR INDUSTRIAL DEVELOPMENT

Minimum Requirements	Option 1	Option 2
Width of Interior Parkway	25 Feet	15 Feet
Landscape Screening (Select One):		
- Berming (Height % of Frontage)	3 Feet/50%	3 Feet/75%
- Masonry Wall (Height % of Frontage)	3 Feet/50%	3 Feet/75%
- Screen Fence of Wood or Other Material (Height % of Frontage)	3 Feet/50%	3 Feet/75%
PLANTINGS:		
Trees	One 6 Foot Coniferous or One 2.5" Caliper Deciduous Tree Per 60 Feet of Frontage	One 6 Foot Coniferous or One 2.5" Caliper Deciduous Tree Per 40 Feet of Frontage
Shrubs		
- Percent of Frontage	50%	50%
- Percent to be Coniferous	50%	50%
- Planting Size	Coniferous - 18" Deciduous - 3 Feet	Coniferous - 24" Deciduous - 3 Feet

TABLE 6
BUFFER STRIPS FOR INDUSTRIAL USES

Minimum Requirements	OPTION 1 Industrial Use Adjacent To Residential Zone	OPTION 2 Industrial Use Adjacent To Residential Zone
MINIMUM WIDTH OF BUFFERS	30 Feet	20 Feet
NUMBER OF TREES	One Tree Per 40 Feet of Linear Buffer Strip	One Tree Per 40 Feet of Linear Buffer Strip
SIZE OF TREES AT INSTALLATION **- Deciduous Trees** **- Coniferous Trees** **- Ornamental Trees**	2.5" Caliper 5 Feet Clump Tree - 5 Feet Cal. Tree - 2 Inches	2.5" Caliper 6 Feet Clump Tree - 5 Feet Cal. Tree - 2 Inches
PERCENT OF TREES TO BE CONIFEROUS	50%	75%
SHRUBS		
- % of Buffer Strip to be Planted With Shrubs	50%	50%
- % of Shrubs to be Coniferous	50%	50%
- Size of Deciduous Shrubs	3 Feet	3 Feet
- Size of Coniferous Shrubs	18 Inches	18 Inches
SCREEN FENCE OR WALL		
- Height Above Grade	6 Feet	6 Feet
- % of Buffer to Contain Fence/Wall	100% or Berm	Not Required
BERMING		
- Height Above Surround Grade	6 Feet	Not Required
- % of Buffer To Contain Berming	100%	Not Required

TABLE 7
BUFFER STRIPS FOR INDUSTRIAL USES

Minimum Requirements	OPTION 1 Industrial Use Adjacent To NonResidential	OPTION 2 Industrial Use Adjacent To NonResidential
MINIMUM WIDTH OF BUFFERS	15 Feet	10 Feet
NUMBER OF TREES	One Tree Per 60 Feet of Linear Buffer Strip	One Tree Per 60 Feet of Linear Buffer Strip
SIZE OF TREES AT INSTALLATION **- Deciduous Trees** **- Coniferous Trees** **- Ornamental Trees**	2.5" Cal. 6 Feet Clump Trees- 5 Ft. Cal. Tree - 2.5"	2.5" Cal. 6 Feet Clump Trees - 5 Ft. Cal. Tree - 2.5"
PERCENT OF TREES TO BE CONIFEROUS	50%	50%
SHRUBS		
- % of Buffer Strip To Be Planted With Shrubs	50%	50%
- % of Shrubs To Be Coniferous	50%	50%
- Size of Deciduous Shrubs	3 Feet	3 Feet
- Size of Coniferous Shrubs	18 Inches	18 Inches
SCREEN FENCE OR WALL		
- Height Above Grade	Not Required	Not Required
- % of Buffer To Contain Fence/Wall	Not Required	Not Required
BERMING		
- Height Above Surrounding Grade	Not Required	Not Required
- % of Buffer To Contain Berming	Not Required	Not Required

TABLE 8
BUFFER STRIPS FOR INDUSTRIAL USES

MINIMUM REQUIREMENTS	INDUSTRIAL USE ADJACENT TO INDUSTRIAL ZONE
MINIMUM WIDTH OF BUFFERS	10 Feet
NUMBER OF TREES	One Tree Per 80 Feet of Linear Buffer Strip (As Measured From the Front Lot Line to the Rear of the Building)
SIZE AT INSTALLATION: **- Deciduous Trees** **- Coniferous Trees** **- Ornamental Trees**	 2.5" Caliper 5 Feet Clump Tree - 5 Feet Caliper Tree - 2.5 Inches
SCREEN FENCE OR WALL **- Height Above Grade** **- % of Buffer To Contain Fence/Wall**	 Not Required Not Required
BERMING **- Height Above Surrounding Grade** **- % of Buffer To Contain Berming**	 Not Required Not Required

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 15.0
HISTORIC PRESERVATION

15.01 INTENT, PURPOSE, AUTHORITY AND APPLICATION

It is the intent of the City to exercise its zoning and police powers in order to promote the health, safety and general welfare through the regulation and preservation of historic districts, structures and sites with a special character, historic interest, aesthetic interest or other significant value, in accordance with §62.23(7)(em), Wisconsin Statutes, and other applicable law. This Section is applicable to all private property and public property (including City property) subject to the City Zoning Ordinance.

The purpose of this Ordinance is to:

A. Effect and accomplish the protection, enhancement, and perpetuation of such historic districts, structures and sites which exemplify or reflect elements of the City's cultural, social, economic, political, engineering and architectural history.

B. Safeguard the City's history and heritage, as embodied and reflected in such historic district's structures and sites.

C. Stabilize and improve property values.

D. Foster civic pride in the beauty and noble accomplishments of the past.

E. Protect and enhance the City's historic districts, structures and sites for the benefit of residents, tourists and visitors, and serve as a support and stimulus to business and industry.

F. Strengthen the economy of the City.

G. Promote the use of historic districts, structures, and sites for the education, enjoyment and welfare of the people of the City.

15.02 DEFINITIONS

In this Section, unless the context clearly requires otherwise:

A. Certificate of Appropriateness means the certificate issued by the Commission approving exterior alteration, rehabilitation, restoration, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a Historic District. Certificates of Appropriateness are discretionary. Application for a Certificate of Appropriateness and Commission review and recommendation is required.

B. Commission means the Historic Preservation Commission created under this Section.

C. Improvement means any building, structure, work of art or other object constituting a physical betterment of real property.

D. Improvement Parcel means real property, whether or not improved, which is treated as a single entity for the purpose of levying real estate taxes and has been assigned a parcel number by the County Land Information Office.

E. Historic District means an area composed of two or more improvement parcels that together possess special character, historic interest, aesthetic interest, or other significant value which reflects the City's cultural, social, economic, political, engineering and architectural history, and which has been designated and approved as a Historic District pursuant to the provisions of this Section.

F. Historic Sign means a sign which the Historic Preservation Commission has evaluated for historical significance, determined to be historically significant and is listed on a Historic Sign Inventory on file in the Department of Community Development and Inspections. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming signs.

G. Historic Structure means any improvement which has a special character, historic interest, aesthetic interest, or other significant value which reflects the City's cultural, social, economic, political, engineering and architectural history and which has been designated and approved as a Historic Structure pursuant to the provisions of this Section. Where the context requires, the word **Structure** shall mean building.

H. Historic Site means any improvement parcel or parcels, not part of a Historic District, which contain(s) a Historic Structure or which has historic significance due to identification with historic personages, with important events in City history or has substantial value in tracing the history or prehistory of man; and which has been designated and approved as a Historic Site under this Section.

I. City('s) History shall mean and include the history of the State and nation.

J. Chief of Inspection shall mean and include designees thereof.

K. Work shall mean alteration, rehabilitation, restoration, construction, reconstruction or demolition.

15.03 HISTORIC PRESERVATION COMMISSION

A. Creation. A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, one (1) shall be an Alderman; and six (6) shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. With respect to citizen membership, where available for and willing to accept an appointment, one (1) member shall be a registered architect, one (1) member a historian, one (1) member a licensed real estate broker and one (1) member shall be a past or present owner of historic property. The Mayor shall appoint the Commissioners, subject to confirmation by the Common Council. Of the initial members so appointed, two (2) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of three (3) years. Thereafter, the term for each member shall be three (3) years. An employee of the Department of Community Development and Inspections shall serve as the recording secretary to the Commission. The term of the Alderman member shall cease upon vacation of such position. There shall be no limit on the number of consecutive terms a citizen member may serve.

B. Powers and Duties of Commission. The Commission shall have the power to:

1. Nominate districts, structures and sites to the Common Council for historic designation.
2. Review proposed work and issue Certificates of Appropriateness and letters of denial.
3. Erect plaques of historic recognition.
4. Work for the passage of enabling Federal and State legislation which would permit the granting of full or partial real estate tax exemptions for Historic Structures and sites in order to encourage historic preservation.
5. Cooperate with the Historic Preservation Officer for the State of Wisconsin, and the State Historic

Preservation Review Board, to include districts, structures, or sites within the City in the National and State Register of Historic Places.

6. Work for the continuing education of the public respecting the historic heritage of the City and the Historic Districts, structures and sites within the City.

7. Receive, solicit and disburse funds for the purpose of historic preservation in the City and place such funds in a segregated City account. Disbursements may include no interest loans, low interest loans or grants to owners of historic property.

8. Provide technical assistance to the owners of historic properties respecting proposed work.

9. Adopt By-Laws.

10. Adopt administrative guidelines and forms, following an opportunity for public comment and input from the State Office of Historic Preservation, subject to approval by the City Attorney as to form, legality and conformance with this Ordinance.

11. Cooperate with the Department of Community Development and Inspections by providing an Inventory of Historic Signs which are exempt signs under Section 15.11 of the Code of General Ordinances. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming signs.

15.031 STANDARDS FOR DESIGNATION OF HISTORIC SIGNS

A sign may be designated to be eligible for listing on the Historic Sign Inventory when it has been in existence, but not necessarily continually visible or displayed, for a period of forty (40) years or more, and meets at least one (1) or more of the following criteria:

1. Is identified with the history of a product, business or service advertised.

2. Reflects the history of the building or a Historic District on/in which located.

3. Is integrated into the architecture of the building on which located and may be exemplary of a historically significant architectural style of the building.

4. The sign, if removed from a Historic Structure, will harm the integrity of the building or cause significant damage to its materials.

5. Is recognized as a popular focal point in the area by reason of its prominent location, long existence, large size or unusual design.

6. Exemplifies or reflects the City’s cultural, social, economic, political, engineering and/or architectural history.

15.04 STANDARDS FOR DESIGNATING STRUCTURES AND SITES AS HISTORIC

A. Standards for Designation. A Historic Structure or Historic Site designation may be placed on any improvement parcel within the City which:

1. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history; or,

2. Is identified with historic personages or with important events in the City's history; or,

3. Embodies the distinguishing characteristics of an architectural type or specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or,

4. Is representative of the notable work of a master builder, designer or architect whose individual genius influenced their age; or,

5. Has yielded, or may be likely to yield, information important to the history or prehistory of man.

6. Historic Structures and sites which are on the National or State Register of Historic Places shall be designated as a City Historic Structure or site.

B. Exemptions. The property of bona fide churches which is used for religious purposes is exempt from any provision of this Section which may have a coercive effect upon the practice of religion. Relief from such coercive provision may be obtained by application for a variance to the Zoning Board of Appeals.

15.05 RECOGNITION OF HISTORIC STRUCTURES AND HISTORIC SITES

At such time as a Historic Structure or site has been properly designated and approved in accordance with this Section, the Commission may cause to be prepared and erected on such structure or site, at Commission expense, a suitable plaque declaring such to be a Historic Structure or site. The plaque shall be placed so as to be easily visible to passing pedestrians. In the case of a Historic Structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed appropriate by the Commission, and acceptable to the owner. In the case of a Historic Site which is not the site of a Historic Structure, the plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.

15.06 STANDARDS FOR DESIGNATING IMPROVEMENT PARCELS AS HISTORIC DISTRICTS

A. A Historic District designation may be placed on any combination of improvement parcels within the City which:

1. Exemplifies or reflects the City's cultural, social, economic, political, engineering and/or architectural history; or,
2. Is identified with historic personage or with important events in the City history; or,
3. Embodies the distinguishing characteristics of an architectural type or specimen, inherently valuable for the study of a period, style, method of construction, or of indigenous materials or craftsmanship; or,
4. Is representative of the notable work of a master builder, designer or architect who influenced their age.
5. Has yielded, or may be likely to yield, information important to the history or prehistory of man.
6. Historic Districts which are on the National or State Register of Historic Places shall be designated as a City Historic District.

15.07 HISTORIC DISTRICT PRESERVATION PLAN

The Commission, prior to nominating any combination of improvement parcels to the Common Council for Historic District status, shall, with the assistance of the Department of Community Development and Inspections, prepare and adopt a Preservation Plan which shall include an analysis supporting the historic significance of the improvement parcels, guidelines for the construction of public improvements and a statement of preservation objectives within the Historic District.

The Preservation Plan adopted by the Commission shall be certified to the Common Council, along with its nomination of improvement parcels for Historic District status. In the event the Commission's nomination is not adopted by the Common Council, the Preservation Plan shall be null and void.

15.08 PROCEDURE FOR NOMINATION AND DESIGNATION OF HISTORIC DISTRICTS, STRUCTURES AND SITES

The Commission may, after notice and public hearing, nominate to the Common Council improvement parcels for Historic District, structure and site designation, or recommend rescinding such designation previously made upon application of the criteria herein. No such nomination or recommendation shall be final until approved by the Common Council. At least ten (10) days prior to such hearing, the Commission shall, by regular mail or personal service, notify persons listed in the Office of the County Assessor as owners of

relevant improvement parcels and improvement parcels situated within one hundred (100') feet of their boundaries of the date, time and place of the hearing. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the persons in charge of the following: Department of Public Works; Redevelopment Authority; Fire and Police Departments; Kenosha County Health Department; Department of Community Development and Inspections. Each such department may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed designation or rescission. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the improvement parcels in issue and direct the conduct of an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission shall make and forward a recommendation to the Common Council.

The owners of record of the above referenced improvement parcels shall be notified in writing by the Commission of the date, time and place the Common Council will act on its recommendation.

The Common Council shall approve or deny the recommendation of the Commission. The City Clerk/Treasurer shall send notice of the action taken by the Common Council to the owners of improvement parcels which are subject to the designation or the rescinding of a designation as a Historic District, structure or site, and to the Chief of Inspection and Director of the Department of Community Development and Inspections.

15.081 PROCEDURE FOR DESIGNATION OF HISTORIC SIGNS

The Commission may, after notice and public hearing, evaluate and designate a sign as historically significant or recommend rescinding a previous designation of historical significance upon application of criteria provided in **Section 15.031**. A review of eligibility for listing on the Historic Sign Inventory may be initiated by the Historic Preservation Commission or the owner of an improvement parcel which contains a potential Historic Sign. Where a property owner petitions the Commission to review eligibility for listing on the Historic Sign Inventory, the owner shall provide sufficient supporting documentation for Commission evaluation.

At least ten (10) days prior to such hearing, the Commission shall, by regular mail or personal service, notify persons listed in the Office of the City Assessor as owners of relevant improvement parcels containing a potential Historic Sign and owners of improvement parcels situated within one hundred (100') feet of the boundary of the improvement parcel containing the potential Historic Sign of the date, time and place of hearing. Notice of such hearing shall also be published as a Class 2 Notice, under the Wisconsin Statutes. Publication shall cure any defect in the service of notice. The Commission shall also notify the Director of the Department of Community Development and Inspections. The Department of Community Development and Inspections may respond to the Commission within fifteen (15) days of notification with its comments, if any, on the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing. The Commission shall then receive such reports and conduct a public hearing. It may call witnesses, including experts, and may subpoena such witnesses and records as it deems necessary. The Commission may view the sign in issue and direct the conduct of an independent investigation into the proposed listing of the sign on the Historic Sign Inventory or rescission of such listing.

The Commission shall approve or deny the designation of the sign as a Historic Sign. If approved for designation as a Historic Sign, the Commission shall direct that it be included on a Historic Sign Inventory and, if located on a building or structure designated as a Historic Structure or site, identified as such. Historic Signs shall be exempt signs under Section 15.11 of the Code of General Ordinances. The Historic Sign Inventory shall be on file and available for public inspection in the Department of Community Development

and Inspections.

The Department of Community Development and Inspections shall send notice of the action taken by the Historic Preservation Commission to the owner of the improvement parcel on which the sign is located.

15.09 DESIGNATION OF HISTORIC DISTRICTS, STRUCTURES, AND SITES ON OFFICIAL ZONING MAP

Upon approval by the Common Council of any nomination or recommendation of the Commission, the Historic District, structure or site shall be designated as such on or removed from the City's Official Zoning Map.

15.10 CERTIFICATE OF APPROPRIATENESS

A. Where Required. An application for a Certificate of Appropriateness and review and recommendation by the Commission is required prior to any of the following work being undertaken:

1. Construction of a new principal or accessory structure in a Historic District or on a Historic Site.
2. Construction of an addition to a Historic Structure, either horizontal or vertical.
3. Demolition of all or part of a Historic Structure.
4. Exterior alteration, rehabilitation, reconstruction or restoration of a Historic Structure which is not classified in this Ordinance as exempt work.
5. Construction of public improvements upon public property by any unit of government which changes the character of a street, sidewalk, right-of-way, utility installation, light, wall or fence in a Historic District.
6. Cleaning the exterior surfaces of Historic Structures, by chemical or physical means, which may cause physical damage to structure.

B. Issuance. Certificates of Appropriateness for any work may be issued or denied by the Commission for any proposed work in accordance with the standards of this Ordinance. An application for a Certificate of Appropriateness shall be fully completed upon designated forms and filed in the Department of Community Development and Inspections. Said Department shall send a copy of the application to the Department of Community Development and Inspections. The Commission may delegate the issuance of Certificates of Appropriateness to the Chief of Inspection for certain classes of work, subject to the standards of this Ordinance, or it may contract with architects or consultants who have expertise in historic preservation to issue said Certificates.

D. Standards for Granting Certificate of Appropriateness. A Certificate of Appropriateness may be granted when:

1. The Historic District, structure or site is used for its historic purpose, and, if a new use, will require minimal change to its historic characteristics.
2. The historic character of the district, structure or site is retained and preserved.
3. The materials, features and spaces that characterize a district, structure or site as historic are retained and preserved.
4. There are no changes in a Historic District, structure or site that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures.
5. Prior alterations that have acquired historic significance in their own right are retained and preserved.
6. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize the Historic District, structure or site are retained and preserved.
7. Deteriorated historic features are retained rather than replaced. Where the severity of deterioration

requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

8. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

9. Significant archeological resources affected by work shall be retained and preserved. If such resources are disturbed, mitigation measures shall be undertaken.

10. New additions, exterior alterations, or related new construction do not destroy historic materials that characterize the Historic District, structure or site. The new work is differentiated from the old and compatible with the existing size, scale and architectural features to protect the historic integrity of the Historic District, structure or site and its environment.

11. New additions and adjacent related new construction are undertaken in such a manner that, if removed in the future, the essential form and integrity of the Historic Structure or site and its environment would be unimpaired.

12. Alteration of a Historic Structure will provide access to the handicapped.

E. Standards for Denial of Certificate of Appropriateness. A Certificate of Appropriateness may be denied when:

1. In the case of a designated Historic Structure or Historic Site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done.

2. In the case of the construction of a new improvement upon a Historic Site, or within a Historic District, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district.

3. In the case of any property located in a Historic District, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this Section and to the objectives and design criteria of the Historic Preservation Plan for said district.

F. Filing of Applications and Written Determinations. The Commission shall issue written Certificates of Appropriateness or letters of denial within six (6) months of receipt of the application by the Commission, which shall be served upon the applicant by regular mail or personal service. Applications shall be deemed received by the Commission upon being filed with the Department of Community Development and Inspections. Said Certificates and letters, which are evidence of Commission review and recommendation respecting proposed work, shall be available for inspection on the work site. The Commission shall expedite the review, to the extent practical. Applications which are not denied within the six (6) month review period shall be deemed approved. The written determination of the Commission shall be advisory in nature for all applicants.

G. Other Permits And Approvals. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City Zoning Ordinance or Code of General Ordinances. Should any permit or approval be granted, issued or given without the required review for work which requires a review, said permit or approval shall be null and void.

H. Term Of Certificates Of Appropriateness. Certificates of Appropriateness shall be valid for a period of five (5) years from the date of issuance.

I. NonCompliance. The failure of any person, party, firm or corporation to apply for a Certificate of Appropriateness and obtain Commission review and recommendation shall be a violation of this Ordinance. In addition to other penalties and remedies, the Chief of Inspection may issue a Stop Work Order, and all work

shall then cease on the designated work site. No additional work shall be undertaken as long as such stop work order continues in effect. Failure to comply with a Stop Work Order is a violation of this Section.

J. Exempt Work. Commission review is not required for interior alteration, rehabilitation or reconstruction in a Historic Structure. Ordinary exterior maintenance, painting and repairs may be undertaken without a Commission review provided that the work involves repairs to existing features of a Historic Structure or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure.

Owners of Historic Signs listed on the Historic Sign Inventory who desire to alter, rehabilitate, reconstruct or remove such sign(s) shall not be required to obtain a Commission review unless such sign is located on a building or structure designated as a Historic Structure or site.

Owners who voluntarily remove a Historic Sign not located on a building or structure designated as a Historic Structure or site shall notify the Department of Community Development and Inspections of such action. After such notification, the Historic Sign designation shall be removed by the Commission.

15.11 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS RESPECTING DEMOLITION

A. Permit Required. A permit to demolish all or part of a Historic Structure upon a Historic Site or in a Historic District, shall be granted by the Chief of Inspection, under §9.11 of the Code of General Ordinances, only upon the applicant first receiving a Certificate of Appropriateness from the Commission which either approves demolition or recommends preservation.

B. Commission Review Procedure. At such time as an applicant applies to the Department of Community Development and Inspections for a Demolition Permit, said Department shall forward a copy of the application to the Commission. Where the Certificate of Appropriateness approves demolition, the Chief of Inspection may issue a Demolition Permit to an eligible applicant. Where the Certificate of Appropriateness recommends preservation, the Chief of Inspection may delay the issuance of a Demolition Permit for a period of up to six (6) months from the date of the filing of such application, during which time Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to preserve the structure. At the end of this six (6) month period, if no mutually agreeable method of saving the structure bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject structure is pending, the Chief of Inspection may issue the permit to demolish the structure without the approval of the Commission.

C. Standards For Approval Of Demolition And Recommendation Of Preservation.

1. The following standards for approval of demolition work or recommendation of preservation, shall apply to Historic Structures:

a. The structure is of such historic significance that its demolition would be detrimental to the public interest;

b. The structure, when in a Historic District, although not itself a Historic Structure, contributes to the distinctive character of the Historic District as a whole and therefore demolition would be detrimental to the public interest;

c. The demolition of the structure would be contrary to the purpose and intent of this Section or to the objectives of the Historic Preservation Plan for the applicable Historic District, where applicable.

d. The structure is of such old, unusual or uncommon design, texture and/or material that it could not be reproduced or could be reproduced only with great difficulty and/or expense;

e. The retention of the structure would encourage the study of the City's history, architecture and design or develop an understanding of the City's culture and heritage.

2. Notwithstanding the above, a Certificate of Appropriateness for demolition shall be deemed appropriate where any of the following factors exist:

a. The structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner, which is self-created or the result of any failure to maintain the structure in good repair, cannot qualify as a basis for the issuance of a Certificate of Appropriateness;

b. The denial of the application would deny the owner of the structure all economically viable use of their property.

D. Appeal. An appeal may be taken from the recommendation of the Commission to approve demolition or recommend historic preservation, by any person aggrieved or by an officer, department, board or bureau of the community affected by the order, requirement, decision or determination. An appeal may be initiated by filing a petition to appeal, specifying the grounds therefor, with the City Clerk/Treasurer within ten (10) days of the date the final decision of the Commission is made. The City Clerk/Treasurer shall file the petition to appeal with the Zoning Board of Appeals and provide notice thereof to the Commission. After a public hearing, the Zoning Board of Appeals may, by favorable vote of two-thirds (2/3rds) of its full membership, reverse or modify the decision of the Commission where such action is in conformance with the standards of this Section. The Chief of Inspection shall not issue a Demolition Permit while the appeal is pending.

15.12 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS RESPECTING EXTERIOR ALTERATIONS OF AND ADDITIONS TO HISTORIC STRUCTURES

The following construction standards are recommended for exterior alterations of and additions to Historic Structures:

A. Height. Additions be no higher than the existing structure.

B. Second Exit Platforms. Second exit platforms not be applied to the front or sides of a structure, unless they are not visible from the street fronting the structure.

C. Mechanical And Solar Apparatus. Mechanical and solar apparatus be installed where such devices do not detract from the architectural integrity of the structure and are as unobtrusive as possible. Mechanical and solar apparatus not be installed if such devices hide from contiguous street view significant architectural features of the structure or neighboring Historic Structures, or if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become a major feature of the design of the structure.

D. Restoration. Work that will return the appearance of the structure to an earlier appearance is encouraged, especially where documented by photographs, architectural or archeological research, or other suitable evidence of such earlier appearance.

E. Residing. The integrity of original exterior wall finishes should be maintained. The introduction of siding material which detracts from or disguises the architectural character of the structure should be avoided. Residing with non-wood products that replace original clapboards or siding is acceptable where the new siding reasonably imitates the width and texture of the original siding, and if all architectural details, such as window trim, wood cornices, and ornament, either remain uncovered or are replaced or duplicated in appearance.

If more than one layer of clapboards or siding exist on the structure, all layers except the first, should be removed before new siding is applied. If insulation is applied under the new siding, all trim should be built up

so that it projects from the siding in the same manner as the original.

F. Storms, Screens And Storm Doors. The repair and retention of original storm windows, screens and doors, or the replacement of same with new units which reasonably duplicate the original in materials and appearance are encouraged. Replacements with materials, such as combination metal components, are acceptable. Metal components are acceptable where factory-enamelled. Raw aluminum storms are acceptable if painted after a year of weathering of the finish. Replacements which imitate a specific style are acceptable only if the style matches the style of the house.

G. Additions And Exterior Alterations. The design of additions and exterior alterations should be compatible with the existing structure in scale, architectural design, texture and the proportion of solids to voids. Materials and architectural details used in such exterior alterations and additions should reasonably match those on the existing structure. Where the materials and architectural details are unknown, the materials and architectural details of the structure should be compatible with those used in the original construction of similar structures.

New roofs should match the original in appearance, not including color, as closely as is possible. Repairs to existing roofs should avoid the appearance of patchwork.

H. Side Additions. Side additions should be set back from the front wall of the structure.

15.13 STANDARDS FOR CERTIFICATE OF APPROPRIATENESS RESPECTING NEW CONSTRUCTION IN HISTORIC DISTRICTS

The following construction standards shall apply to new construction in Historic Districts:

A. Heights. The maximum height for new structures shall be as established in the Zoning Ordinances for that Zoning District, unless a lesser height is established in the Historic Preservation Plan.

B. Roof Shape. The roof shape of new structures should be compatible with the architectural style of the district.

C. Materials. Materials for the exterior walls of new structures should be compatible with the architectural style of the district.

D. Visual Size. The gross area of the front facade (all walls facing the street) of a structure should be no greater than one hundred twenty-five (125%) percent of the average gross area of the front facades of all structures with in the visually related area. If this is not possible, changes in the setback should be designed in the front facade of the structure to repeat the rhythm and proportions of structure versus space within the visually related area.

E. Mechanical And Solar Apparatus. Mechanical and solar apparatus are acceptable on new structures if such devices do not detract from the architectural integrity of the structure or other structures in the district and are as unobtrusive as possible. Mechanical and solar apparatus should not be installed if such devices hide from street view significant architectural features of the structure or neighboring Historic Structures, or if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become a major feature of the design of the structure.

15.14 STANDARDS FOR ACCESSORY STRUCTURES IN HISTORIC DISTRICTS

The following construction standards shall apply to accessory structures in Historic Districts:

A. Accessory Structures. Accessory structures should be compatible with the design of the existing structures on the improvement parcel and be as unobtrusive as possible. Exterior wall materials should be reasonably similar to the materials used in the construction of the primary structures.

15.15 CONSTRUCTION AND ACQUISITION OF STRUCTURES BY CITY

Before constructing a new structure or purchasing an existing, nonhistoric structure, the City or its agency having jurisdiction thereof, shall inquire of the Commission as to whether or not an existing Historic Structure is available for the purpose, in the location, and within the fund allocation determined by the City or its agency.

15.16 INITIAL APPLICATION OF THIS SECTION

Prior to the adoption of this Section, historic preservation within the City was within the jurisdiction of the Landmarks Commission, which existed under authority of §1.06 of the Code of General Ordinances, now repealed. The Landmarks Commission, under authority of said Ordinance, designated landmarks within the City.

It is the intent of this Section that all such designated landmarks be reevaluated by the Commission in accordance with this Section as soon as practicable, but no later than two (2) years after the effective date of this Section. During said review period, all designations of the Landmarks Commission shall have the status of designated Historic Structures and sites hereunder for the purpose of providing interim protection thereof.

It is recognized that such interim designation could be in conflict with the standards of this Section. The owner of the Historic Structure or site may petition the Commission to delete or modify the interim designation to the extent it is inconsistent with any provision of this Section. The Commission shall, in response to a written petition which details the inapplicable provisions of this Section, make a recommendation to the Common Council. The Commission and Common Council shall act upon such petition within forty-five (45) days of the date of filing.

15.17 CONDITIONS DANGEROUS TO LIFE, HEALTH OR PROPERTY

Nothing contained in this Section shall prohibit the issuance of orders, citations or the taking of other enforcement action, including the issuance of raze and repair orders, relative to any Historic Structure, site or improvement parcel, as authorized by law, for the purpose of remedying conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission or Common Council shall be required for appropriate City enforcing personnel to take remedial action. The Commission shall be furnished with a report of any enforcement action taken. However, when emergency conditions do not require demolition, the Chief of Inspection shall make every effort to carry out the intent of this Section and to use the standards and guidelines of the Commission when remedying any emergency condition.

15.18 PENALTIES FOR VIOLATIONS

It shall be a violation of this Section for any person, party, firm or corporation to fail to obtain Commission review of proposed work or to demolish all or part of a Historic Structure contrary to **§15.11**. Upon conviction, except as otherwise provided, a violator shall be subject to forfeiture of not more than One Thousand ($1,000) Dollars for each violation, plus the costs of prosecution. Each violation and each day of violation shall be a separate offense. With respect to **§15.11**, upon conviction, a violator shall be subject to a forfeiture of not more than Five Thousand ($5,000) Dollars for each violation, plus the costs of prosecution.

In addition to the above, Section 943.014, Wisconsin Statutes, respecting Crimes Against Property, is

incorporated herein by reference. Said statute imposes a criminal penalty for the demolition of a historic building without a City permit or without an order issued under Section 66.05, Wisconsin Statutes.

15.19 WITHHOLDING OF BUILDING AND ZONING PERMITS FOR UNLAWFUL DEMOLITION

Should any person, party, firm or corporation demolish a Historic Structure contrary to this Ordinance, they shall be ineligible to obtain a Building or Zoning Permit respecting the parcel of property upon which the Historic Structure was located for a period of five (5) years from the date of commencement of physical demolition. This prohibition shall apply to successors in interest of the violator.

15.20 ENFORCEMENT

This Section shall be enforced by the Department of Community Development and Inspections through the permitting process.

15.21 SEPARABILITY

If any provision of this Section, as applied to any party or circumstance, is held unconstitutional, invalid or unenforceable by any Court of competent jurisdiction, the remainder of this Section shall be deemed severable and not affected thereby.

15.22 FEES

The applicant for a Certificate of Appropriateness or a rescindment of a designation of a Historic District, Historic Sign, Historic Structure or Historic Site shall pay the fee established by the Common Council, from time to time, by Resolution.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 16.0
FENCE CODE

16.01 DEFINITIONS

The following words and terms, for purposes of this Ordinance, shall have the meanings herein provided:

A. Administrator. The Administrator of the Department and designees thereof.

B. Arbor. A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.

C. Berm. A mound of earth higher than the final elevation of a lot.

D. Department. The City of Kenosha Department of Community Development and Inspections.

E. Dog Enclosure. Any outdoor structure or enclosure used to restrict dogs to a contained yard area.

F. Fence(s). "Fence" means a vertical screen device used to provide privacy, visual or otherwise, or for containment. "Fence" includes but is not limited to trellises, railing and walls.

G. Fence, Agricultural/Farm. A fence consisting of chicken wire, deer fence, hog wire, high tensile, wire strands, used in the agricultural, farming and livestock business, specifically for livestock, animal and bird control.

H. Fence, Patio. A privacy fence which fully or partially encloses a patio.

I. Fence, Good Neighbor. A fence constructed of solid or spaced boards, where the face boards are installed at the center of the posts so that the fence looks the same from both sides.

J. Install, Installation, Installed. To construct, erect, install, place, or replace over 16 lineal feet (l.f.).

K. Lot-Double Frontage. An interior lot having street frontage on the front and the rear of the lot.

L. Person. Any person, firm, corporation, association or other legal entity.

M. Property Owner. A Person that owns or controls real property situated in the City.

N. Trellis. A frame or structure of open latticework.

O. Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and an alley, driveway, at the intersection of a driveway/alley and sidewalk, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the property lines to a minimum distance of fifteen (15') feet from their intersection.

16.02 PERMIT

A. Permit Required. No Person shall install a Fence in the City without first obtaining a Fence Permit and complying in all respects with the terms and conditions and this Ordinance. A Fence Permit shall be valid

only for the term of issuance, unless sooner suspended or revoked. A Fence Permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet (l.f.) of a Fence.

B. Permit Application. A Fence Permit application shall be filed with the Department, consisting of the following:

1. A fully completed Fence Permit application form and payment of full permit fee.
2. A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the Fence and its distances from the existing structures on the property.
3. If the Fence is proposed to be installed on rented or leased property, the written consent of the owner(s) of the property.
4. Other information as may be required by the Department to assist in the review of the application.

C. Permit Fee. A permit fee shall be remitted upon submittal of the Fence application, the amount of which shall be established, from time to time, by the Common Council.

D. Application Review And Approval Required, Permit Issuance. The Administrator shall review, approve and issue the Fence Permit application provided that the application is in compliance with this Ordinance and the standards of this Ordinance for the Fence to be installed have been met. The Fence Permit may contain reasonable conditions stated in the permit.

E. Completion of Installation. A Fence authorized by a Fence Permit shall be fully installed in accordance with this Ordinance and permit conditions, within one hundred eighty (180) days of the date of permit issuance. A Fence Permit shall expire one hundred eighty (180) days after the date of issuance. After a Fence Permit expires, no work requiring such a permit shall be commenced, resumed or undertaken until a new permit is issued or the original permit is extended.

The permit applicant may file a written request for an extension of the Fence Permit, stating the reason for the request, for up to one hundred eighty (180) additional days to complete the Fence installation. The Administrator, in administering this Code, shall grant the request if good cause is shown.

F. Responsibility of Department. The Department, through the Administrator, shall:

1. Review and issue Fence Permits where the application is in compliance with this Ordinance.
2. May issue reasonable site specific conditions.
3. May waive or reduce vision clearance requirements where:
a. Traffic can safely approach and enter the intersection, alley, driveway or street given existing traffic control devices or other physical conditions of the area; or,
b. Topographic conditions are so extreme or building structures exist such that it is not practical to provide required vision clearance.
4. May inspect the Fence for compliance with this Ordinance and the Permit.
5. Shall enforce this Ordinance with the assistance of the City Attorney.

G. Responsibility of Applicant. The applicant is solely responsible for installing the Fence:

1. Within the boundaries of their property determined by survey, in compliance with this Ordinance and the Permit, including, but not limited to, proper materials, height, setback and vision clearance.
2. In compliance with any subdivision covenants or restrictions, deed restrictions, utility easement restrictions, land use restrictions of record, including applicable plan review and approval, or waiver

requirements.

3. In a manner as will not obstruct storm water drainage, violate a City approved storm water plan, or unreasonably divert storm water on the property of another.

16.03 FENCE INSTALLATION

A. General Requirements. No Fence shall be installed, except in strict compliance with this Ordinance, site specific permit conditions, and the following requirements:

1. Structural and support components of a Fence shall face away from adjacent properties.

2. Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the Fence posts must be located on the inside of the Fence facing the property on which the Fence is located, except when the style of Fence commonly described as a "Good Neighbor Fence" is installed.

3. Fences shall be installed plumb and the top finish of the Fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the Fence.

4. The height of the Fence shall be controlled by the applicable provisions of the City Zoning Ordinance for the district in which the Fence will be located. Fence height shall be measured from the surface of the ground immediately below the Fence. Berms, retaining walls or other methods to raise the elevation of the site shall require approval by the Department prior to installation.

5. The project site shall be marked by *Diggers Hotline* before digging holes for Fence installation.

6. No Fence in the Vision Clearance Area shall exceed three (3') feet in height above the mean street grade.

7. The height of walls and Fences shall be measured vertically from the finished grade on the exterior side of the Fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a Fence is prohibited. If a Fence is placed on a berm, the berm shall be included in the height of the fence and the height shall be measured vertically from the base of the berm, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review, or an exception is granted by the Common Council.

8. All Fences shall be no closer than six (6") inches to the public sidewalk.

B. Obstruction of Ingress/Egress Area of a Dwelling. No Fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three (3') feet shall be maintained between any solid Fence and any such window or opening in a dwelling.

C. Modifications. All modifications to an existing Fence shall comply with this Ordinance.

D. Fences in Front Yards. Fences installed in a front yard shall comply with the following requirements:

1. In residentially zoned areas on corner, interior, through and reverse frontage lots, Fences, not exceeding four (4') feet in height, shall be allowed within a residentially required front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line. No Fence over four (4') feet in height shall be permitted within residentially required front yard setback areas. Fences over three (3') feet in height shall not encroach within vision clearance areas.

2. Fences on residentially zoned lots, including interior and corner double-frontage lots, fronting a street, shall be installed in accordance with front yard setback requirements.

3. No Fence shall be installed in any B-1, B-2, B-3, IP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review. A Fence shall not exceed the height

established unless approved in conjunction with a Conditional Use Permit/Site Plan Review.

E. Fences in Rear/Side Yard. Fences in rear and side yards shall meet the following requirements:

1. No Fence or wall shall exceed six (6') feet in height in any side or rear yard. Fences not greater than six (6') feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure or the required building setback, whichever is furthest from the road right-of-way.

2. A wall or solid Fence not more than six (6') feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided such a wall or solid Fence does not extend into a required front yard.

3. Fences which exceed three (3') feet in height in side or rear yards shall not encroach within vision clearance areas.

4. No Fence shall be installed in any B-1, B-2, B-3, IP, M-1 or M-2 zoned district, unless said Fence is approved in conjunction with a Conditional Use Permit/Site Plan Review. A Fence shall not exceed the height established unless approved in conjunction with a Conditional Use Permit/Site Plan Review.

F. Fences On Corner Lots. No Fence over three (3') feet in height shall be permitted within a vision clearance area of any portion of the lot.

G. Fences On A Lot-Double Frontage. Fences 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, Site Plan Review, or variance from the Zoning Board of Appeals.

H. Approved Fence Materials. All Fences shall meet the following material requirements:

1. Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chainlink (with a minimum thickness of nine (9) gauge and a required top rail support), stockade or board-on-board wood.

2. No Fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a Fence.

3. Agricultural/Farm Fences shall only be permitted in agriculturally zoned or used districts and shall not exceed six (6') feet in height.

4. Residential front yard Fences shall be fifty (50%) percent open (see-through) and be of split rail, wrought iron or picket design. Four (4') feet high chainlink fencing is not permitted in residential front yards.

16.04 MAINTENANCE OF FENCES

Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every Fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.

16.05 EXISTING FENCES

Any Fence existing upon the effective date of this Ordinance shall not be enlarged, extended or replaced, except in strict compliance with all of the requirements of this Ordinance.

16.06 PROHIBITIONS

A. Prohibited Fences. No Person shall install:

1. An electric or razor wire Fence.
2. Any wire or chainlink-type Fence with the cut or salvage end of the Fence exposed at the top.
3. A Fence which creates a hazard to users of the street, sidewalk or to nearby property.
4. A Fence composed solely of Fence posts.
5. An incomplete Fence, consisting only of posts and supporting members.

B. Barbed Wire Fences Restricted. No Person shall construct, use or maintain any barbed wire Fence on residential, business or institutionally zoned property.

Barbed wire Fences may be installed in M-1 or M-2 Zoning Districts under circumstances whereby 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. Barbed wire may be used on top of a six (6) foot Fence surrounding a public utility, public use, or on a site storage area as approved under a Conditional Use Permit or Site Plan Review. Notwithstanding the above, barbed wire shall not be used along a property line abutting a residentially zoned area.

16.07 FENCES PERMITTED WITHOUT A PERMIT.

The following types of Fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said Fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:

1. Snow fencing shall be permitted in all districts not exceeding four (4') feet in height provided it is removed between May 1 and November 1 of each year. No snow Fence shall extend into the street right-of-way line unless installed by the City or a contractor having a permit from the City.
2. Agricultural/Farm Fences are limited to agriculturally zoned or used districts.
3. Decorative Fences not exceeding two (2') feet in height shall be permitted in all districts. Such Fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.
4. Underground electrical Fences are permitted in all districts.
5. Arbors and/or trellises shall not be used as a Fence.

16.08 NON-BOUNDARY RELATED FENCE STANDARDS

Fences and/or enclosures for swimming pools shall be permitted as required in Section 9.185 F.2. of the Code of General Ordinances.

Fences surrounding tennis courts, and baseball and/or softball field backstops may be erected in conformance with accepted industry standards. A Fence Permit shall be required for such installation.

16.09 DOG ENCLOSURES

Dog enclosures shall be permitted in residential districts subject to the following criteria:

1. No dog enclosure shall be installed on a lot unless approved by the Department and a permit is issued.
2. Dog enclosures shall be obscured from view from neighboring properties at grade and adjacent streets. Existing structures (i.e., sheds, garages) may be used to obscure view.

3. Dog enclosures must be located in the buildable area directly behind and adjacent to the principal building. In no event shall a dog enclosure encroach into a required setback or be located closer to a corner or interior side property line than the principal building.

4. No dog enclosure shall be in excess of two hundred fifty (250) square feet in area, nor more than six (6') feet in height above the surface of the ground, as measured from the ground level at the lowest grade level within five (5') feet of either side thereof.

5. Dog enclosures may be constructed of any material permitted for a residential Fence.

6. No dog enclosure shall be constructed contrary to required vision clearance area requirements.

16.10 VISUAL CLEARANCE VIOLATIONS

A. Administration of Visual Clearance Violations. The Administrator shall have the duty of establishing, restoring and maintaining visual clearance. When the Administrator has determined that visual clearance has not been established, restored or maintained, as required within this Ordinance, 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 established 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 within said period, and failure to request a hearing shall waive the opportunity to be heard. The fifteen (15) day compliance period may be extended upon written 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 establish or restore visual clearance, bill the owner, operator or 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 in noncompliance as a special assessment, pursuant to the authority of Section 66.60, Wisconsin Statutes. The special assessment shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be a One Hundred ($100.00) Dollar administrative charge added to the charge and special assessment to cover administrative costs of charging and specially assessing the property.

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 the order.

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

16.11 ADMINISTRATION, SPECIAL EXCEPTIONS AND APPEALS

A. Administration. It shall be the duty of the Administrator to administer and enforce this Ordinance.

B. Special Exceptions. Upon application for a Special Exception, the Common Council may, after investigation and public hearing, grant a Special Exception from the terms of Section **16.03** of this Ordinance where such Special Exception will not be contrary to the spirit and purpose of this Ordinance, and where a Special Exception will do substantial justice.

C. Appeals. An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation under this Section 16 of the Ordinance by the Administrator may appeal such denial, decision, determination or interpretation to the Common Council.

D. Application Procedure.

1. Any application for a Special Exception shall be taken within 30 days from denial letter by application on forms provided by the Administrator. The application must be filed with the Administrator. In order to be accepted for filing, the application must be accompanied by a receipt from the City Clerk/Treasurer indicating payment of the fee established therefore by the Common Council, from time to time, by resolution.

2. Any application for an Appeal shall be taken pursuant to the procedure set forth in Section 9.07 of the Zoning Ordinance.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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**.

The Floodfringe District **(FFD)** is that portion between the regional flood limits and the floodway and displayed as AE Zones on the **FIRM**.

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.

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 Department of Natural Resources.

2. Accessory Structures or Uses. Accessory structures or uses shall be constructed on fill with the lowest floor at or above the regional flood elevation.

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 floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 4.03. Subject to the requirements of **Section 12.02**, 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 SPS383, 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 18.0
COMPREHENSIVE PLAN

18.01 COMPREHENSIVE PLAN

Pursuant to Section 66.1001 (4)(c) of the Wisconsin Statutes, the Common Council of the City of Kenosha, formally adopts the document entitled "Comprehensive Plan for the City of Kenosha: 2035", the final version of which was adopted by the City Plan Commission pursuant to Section 62.23(2) of Wisconsin Statutes on March 4, 2010, as City Plan Commission resolution number 02-10.

18.02 The comprehensive plan adopted in subsection 18.01 is amended by the following:

a. By Common Council resolution 126-10 on file with the City Clerk.
b. By map C1-10 on file with the Department of Community Development and Inspections.
c. By map C1-11 on file with the Department of Community Development and Inspections.
d. By map C2-11 on file with the Department of Community Development and Inspections.
f. By map C4-11 on file with the Department of Community Development and Inspections.
g. By map C5-11 on file with the Department of Community Development and Inspections.
h. By Common Council Resolution 107-11 on file with the City Clerk.
i. By map C6-11 on file with the Department of Community Development and Inspections.
j. By Common Council Resolution 131-11 on file with the City Clerk.
k. By Common Council Resolution 132-11 on file with the City Clerk.
l. By map C7-11 on file with the Department of Community Development and Inspections.
m. By Common Council Resolution 35-12 on file with the City Clerk.
n. By Common Council Resolution 36-12 on file with the City Clerk.
0. By map C2-12 on file with the Department of Community Development and Inspections.
p. By map C3-12 on file with the Department of Community Development and Inspections.
q. To adopt the revised Federal Emergency Management Agency flood Insurance Rate Maps with a map effective date of June 19, 2012.
r. By map C4-12 on file with the Department of Community Development and Inspections.
s. By map C5-12 on file with the Department of Community Development and Inspections.
t. By Common Council Resolution 140-12 on file with the City Clerk.

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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