

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

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; and,

V. Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance.

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.

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.

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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 degree of flood protection provided by this Ordinance is considered reasonable for regular purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by manmade or natural causes such as ice jams or bridge openings restricted by debris. This Ordinance does not guarantee that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and associated flood damages. This Ordinance does not 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 flood damages that may result from reliance thereon.

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.