

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 2.0 GENERAL PROVISIONS

2.01 CONFORMITY

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

2.02 USE REGULATIONS

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

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

4. "Temporary Uses":

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

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 City Plan Commission, 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 City Plan Commission is authorized to approve a temporary use 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

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made in accordance with the procedures outlined in §4.0 of this Ordinance.

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

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

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

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

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

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

D. Restricted Uses. The following uses, irrespective of whether in an otherwise appropriate City Conditional Use Permit, shall not be located within 2,640 feet (one-half mile) of any residential

use, residentially zoned district, school, hospital or medical-surgical clinic, irrespective of whether any such residential use, residentially zoned district, school, hospital, or medical-surgical clinic is located within or without the City:

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

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

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

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

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

6. Removal of metal from ore.

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

8. Stockyards and rendering plants.

9. Motor vehicle race track.

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

11. Scrap salvage yard engaged in the crushing or reduction by shredding or chipping of metal.

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.

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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.

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(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

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exceeds the height limit established for the district wherein such building or structure is located.

A. Exceptions to Height Regulations.

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

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

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

Utility substations, Communication Towers and Antennas may exceed the height limit established for the district, when so authorized by the Review Authority, but may in no event be higher than one hundred (100') feet or the Kenosha Regional Airport Height Limitation, whichever is more restrictive. Communication Towers and Antennas may be constructed to a height of one hundred fifty (150') feet, or the Kenosha Regional Airport Height Limitation, whichever is more restrictive, on a City-owned Site when so authorized by the Review Authority, provided a license or lease agreement authorizing such Communication Tower has been approved by the City. Antenna Co-Locations may exceed these height limitations, but may not exceed the Kenosha Regional Airport Height Limitation, whichever is more restrictive, when so authorized by the Review Authority.

Radio/Television/Relay Towers and Antennas may be erected/constructed to a height of three hundred (300') feet or the Kenosha Regional Airport Height Limitation, whichever is more restrictive, as

authorized by the Review Authority and in accordance with the spacing and setback requirements of **Section 4.06 D.13.** of this Ordinance.

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

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

2.06 VISUAL CLEARANCE

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

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

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

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

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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

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properties.

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

G. Barbed Wire Fence.

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

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

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

H. **Administration.** The Administrator, or designees, shall have the duty of establishing, restoring and maintaining visual clearance as regulated in this Section. When the Administrator has determined that visual clearance has not been established, restored or maintained, as required within this Section, the Administrator shall in writing notify the owner, operator or other party responsible for managing and/or maintaining the offending property that visual clearance must be provided or restored within fifteen (15) days from the date of notice. The notice shall further provide that the notified party or agent shall have the opportunity to be personally heard by the Administrator, upon request, within said fifteen (15) day period, relative to any factual issues which may be relevant. The failure to request a hearing shall waive the opportunity to be heard. The fifteen (15) day compliance period may be extended upon request, for good and sufficient reason. The failure of the owner, operator or other responsible party to provide or restore visual clearance within the time prescribed shall authorize the Administrator to do or to have done such work as will provide or restore visual clearance, bill the owner, operator or the other responsible party for the actual costs of the service rendered, and demand payment be made within thirty (30) days of the billing date. The

failure of the owner, operator or other responsible party to promptly pay said bill shall authorize the Administrator to charge the cost against the property as a special assessment, pursuant to the authority of §66.60, Wisconsin Statutes. The order of the Administrator may be appealed to the Board upon written notice of said appeal being served upon or sent by registered mail to the Administrator within ten (10) days after the date of his order.

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

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

2.07 GENERAL DEVELOPMENT STANDARDS

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

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other development, increasing regional flood height; or,

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

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

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

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

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

C. Chapters 30 and 31, Wisconsin Statutes - Development. Development which requires a permit from the DNR under Chapters 30 and 31, Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other Zoning Maps or this Ordinance are made according to Section 10.06.

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

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

2. A Land Use Permit for the campground is

issued by the Zoning Administrator.

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

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

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

6. Only camping units are allowed.

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

8. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such 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

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posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

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

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