Kenosha County

Planning, Development & Extension Education Committee
Agenda
Kenosha County Center
Wednesday, July 11, 2018

NOTE: UNDER THE KENOSHA COUNTY BOARD RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SECTION 2 C OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE DISCUSSED AND ACTED UPON DURING THE COURSE OF THIS MEETING AND ANY NEW MATTER NOT GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN

Notice is hereby given that a meeting will be held by the Kenosha County Planning, Development & Extension Education Committee on **Wednesday, July 11, 2018 at 6:00p.m. in Conference Room B followed by a public hearing at 7:00 p.m. in the Public Hearing Room** at the Kenosha County Center, 19600 75th Street, Bristol, Wisconsin on the following requests:

1. **CERTIFICATION OF COMPLIANCE WITH WISCONSIN OPEN MEETINGS LAW**
2. **YOUTH IN GOVERNANCE PROGRAM UPDATE**
3. **FEATURE PROGRAM: "HORTICULTURE"**
4. **UW-EXTENSION EDUCATOR/PROGRAM UPDATES**
5. **UW-EXTENSION DIRECTOR UPDATES**

7:00 p.m. - LAND USE ITEMS HEARINGS - KCC PUBLIC HEARING ROOM

6. **REVIEW AND POSSIBLE APPROVAL OF ORDINANCE AMENDMENTS TO THE TEXT OF THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE. THE PROPOSED TEXT CHANGES WILL MODIFY EXISTING SECTIONS AND ADD NEW SECTIONS, TO BETTER REFLECT ACCEPTED STANDARDS AND PRACTICES AND TO CODIFY EXISTING POLICIES**

   Documents:

   ORD CH 12 REVISIONS 07-2018.PDF
   SUMMARY OF ZONING ORDINANCE AMENDMENTS_2018.PDF
   CH 12 PROPOSED REVISIONS.PDF

7. **REVIEW AND POSSIBLE APPROVAL OF AN ORDINANCE AMENDMENT TO THE TEXT OF THE KENOSHA COUNTY STORMWATER MANAGEMENT, EROSION CONTROL AND ILLICIT DISCHARGE ORDINANCE. THE PROPOSED TEXT WILL ALLOW ALTERNATE FORMS OF FINANCIAL ASSURANCE THAN WHAT CURRENTLY EXISTS**

   Documents:

   ORD CH 17 STRMWTR REVISIONS 07-2018.PDF

8. **APPROVAL OF MINUTES**
9. **CITIZEN COMMENTS**
10. **ANY OTHER BUSINESS ALLOWED BY LAW**
11. **ADJOURNMENT**

NOTICE TO TOWNS

The Towns of Brighton, Paris, Randall, Somers, and Wheatland are asked to be represented at the hearing on at the Kenosha County Center Public Hearing Room, 19600 75th Street, Bristol, Wisconsin. You are requested to either attend or send in your recommendation to the committee.

Kenosha County

BOARD OF SUPERVISORS

ORDINANCE NO._____

Subject: Proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance modifying existing sections (Accessory Buildings, Home Occupation, Principal Uses/CUP Lists, Parking, Signs, Site Plan Review) to better reflect accepted standards and practices, adding new sections (Event Barns. Decks & Patios, In-Law Suites, Landscaping, Lighting, Temporary Use) to codify existing policies, and adding Large/Small Wind Energy requirements as set forth by 66.0401(4)(g) of Wisconsin State Statutes being no more restrictive than rules promulgated under 196.378(4g)(b) of Wisconsin State Statutes.			
Original ☐	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted: July 17, 2018		Date Resubmitted:	
Submitted By: Planning Development & Extension Education Committee			
Fiscal Note Attached ☐		Legal Note Attached ☐	
Prepared By: Andy M. Buehler, Director Division of Planning & Development		Signature: Andy M. Buehler	

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

NOW, THEREFORE BE IT RESOLVED that pursuant to the authority granted by Sections 59.69 of the Wisconsin State Statutes, the Kenosha County Board of Supervisors does hereby ordain that Chapter 12 of the Municipal Code of Kenosha County entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" be and hereby is changed by the following additions, deletions and amendments and is amended to read as set forth in the attached Exhibit A.

Description: See Exhibit A (attached).

This description is intended to extend to the center of all roads.

Approved by:

PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE	Aye	No	Abstain	Excused
_____ Erin Decker, Chair	☐	☐	☐	☐
_____ Michael Skalitzky, Vice Chair	☐	☐	☐	☐
_____ John Poole	☐	☐	☐	☐
_____ Mark Nordigian	☐	☐	☐	☐
_____ Zach Rodriguez	☐	☐	☐	☐

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SUMMARY OF ZONING ORDINANCE AMENDMENTS

	AMENDMENT	PAGE #
1)	General Format Corrections	Varies
2)	Removal of Reference to Camp Lake/Center Lake Floodway & Floodfringe	7-9 19, 20, 75-77, 135, 239-246, 288-290, 298, 325, 337, 343, 349, 389, 390, 400
3)	Removal of FIRM Panels in Village of Salem Lakes and Village of Somers	8
4)	Removal of Deputy Requirements	16
5)	Modification to Site Plan Review	23-27
6)	Modification to Home Occupation & Professional Home Offices	28-30
7)	Modification to Traffic, Parking & Access	38-60
8)	Modification to Signs	61-74
9)	Addition of Small Wind Energy Systems	97-104
10)	Addition of Large Wind Energy Systems	105-116
11)	Creating Separate Section for Accessory Building Regulations	117-120
12)	Addition of Decks & Patio Requirements	121-122 Also in each District
13)	Addition of Accessory Living Unit	123-124
14)	Addition of Temporary Uses	125-127
15)	Addition of Lighting	128-129
16)	Addition of Landscaping	130-134
17)	Modifications to Districts (Principal, Accessory & Conditional Uses)	135-281
18)	Modification to PUD - addition of an Agriculture component	254-264
19)	Removal of Accessory Building Regulations	287-292
20)	Addition of Event Barns as a Conditional Use in A-1 & A-2 District	323-324
21)	Removal of Agricultural Preservation Amendments	400
22)	Definitions - Additions of Various Definitions	402-452

ATTACHMENT "A"

~~Strikethrough~~ = Text Removed

Underline = New Text

KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE

I. INTRODUCTION

A. PRELIMINARY CONSIDERATIONS

12.01-1 AUTHORITY

This ordinance is adopted pursuant to the authority granted by the Wisconsin Statutes but not limited to Sections 59.07, 59.69, 59.692, 59.694, 87.30, 91.30, 92.10, and 281.31 of the Wisconsin Statutes. Any mandatory amendments or repeals or recreations to state statues pertaining to the subject matter of this ordinance are incorporated in this ordinance as of the effective date of the amendment, repeal or recreation. The Board of Supervisors of the County of Kenosha, Wisconsin do ordain as follows:

12.01-2 PURPOSE

(a) It is the finding of the Kenosha County Board of Supervisors that the regulation of land uses within Kenosha County serves to promote the general welfare of its citizens, the quality of the environment, and the conservation of its resources.

(b) The purpose of this ordinance is to regulate and encourage the use of land, waters and structures in Kenosha County in a planned and orderly manner so as to promote the public health, safety, morals, prosperity, aesthetics, comfort, convenience and general welfare of the citizens of Kenosha County.

(c) It is recognized by the Kenosha County Board of Supervisors that a Shoreland and Floodplain Zoning Ordinance enacted pursuant to Wisconsin Statutes, section 59.69 may be enacted separately from a general comprehensive zoning ordinance enacted pursuant to Wisconsin Statutes, section 59.69 for the reason that compliance by townships with a validly enacted shoreland/floodplain zoning ordinance is mandatory while town compliance with a general comprehensive zoning ordinance is voluntary. Nevertheless, it is the finding of the Kenosha County Board of Supervisors that there are certain advantages to combining the provisions and maps of both ordinances so as to afford the general public a clear and concise presentation and understanding of all zoning regulations which may pertain to a particular parcel of land. Therefore, while this general comprehensive zoning ordinance enacted pursuant to section 59.69 of the Wisconsin Statutes shall be applicable in all towns so adopting it, it shall also serve as a shoreland/floodplain zoning ordinance in all townships irrespective of town approval as mandated by section 59.971 of the Wisconsin Statutes and so as to effect the purposes of section 59.971 and section 144.26 of the Wisconsin Statutes.

12.01-3 INTENT (6/12/12)

(a) By the enactment of this ordinance, it is the intent and objective of the Kenosha County Board of Supervisors pursuant to the authority cited in section 12.01-1 of this ordinance those areas falling within the jurisdiction of this ordinance to accomplish the following within:

1 Regulate the use of all lands, buildings, structures and waters in the unincorporated areas of Kenosha County so as to determine, establish, regulate and restrict:

a The areas within which agriculture, forestry, industry, trades, business and recreation may be conducted;

b The areas in which residential uses may be regulated or prohibited;

c The areas in and along or in or along natural water courses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and location of buildings may be prohibited or restricted.

2 Designate certain areas, uses or purposes which may be subjected to special regulation.

3 Determine, establish, regulate and restrict the location, set back, side yard, height, bulk, number of stories and size of buildings and other structures.

4 Determine, establish, regulate and restrict the location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.

5 Determine, establish, regulate and restrict trailer camps or tourist camps and motels or both and mobile home parks.

6 Regulate population density and distribution

7 Determine, establish, regulate and restrict the percentage of any parcel which may be occupied, size of yards, courts and other open spaces.

8 Provide healthy surroundings for family life.

9 Provide areas for peace and quiet, open space and privacy.

10 Determine, establish, regulate and restrict the location of roads and schools.

11 Insure adequate highway, utility, health, educational, recreational and other public facilities.

12 Lessen congestion in and promote the safety and efficiency of streets and highways; regulate parking, loading and access for safety and efficiency purposes.

13 Secure safety from fire, explosions, flooding, panic and other dangers.

14 Provide adequate light, air, sanitation and drainage.

15 Establish performance standards so as to guard against air and water pollution, unnecessary contamination, noises, vibrations and odors, and also glare, heat, fire, flooding, radiation, and other hazards and nuisances.

16 Promote the efficient and economical use of public funds.

17 Protect property values and the property tax base.

18 Recognize the needs of agriculture, forestry, industry, business and recreation and future growth.

19 Further the appropriate use of land and encourage uses of land and other natural resources which are in accordance with their character and adaptability.

20 Prevent and control soil erosion, sedimentation and water pollution of the surface and subsurface waters.

21 Further the maintenance of safe and healthful water conditions.

22 Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.

23 Preserve shore growth and cover and promote the natural beauty of the shoreland and floodplain areas.

24 Protect fish and animal life including the spawning, resting, nesting, nursing and feeding areas.

25 Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans applicable to and adopted by Kenosha County.

26 Obtain the wise use, conservation, development and protection of the county's water, soil, wetlands, woodlands, wildlife and other natural resources and attain a balance

between land uses and the ability of the natural resource space to support and sustain such uses.

27 Preserve natural growth and cover; promote, stabilize and protect the natural beauty and amenities of landscape and man-made developments within the county and encourage the future aesthetic development of the county.

28 Preserve historical sites.

29 Preserve neighborhoods, eliminate blight and protect life, health and property.

30 Minimize expenditures of public funds for flood control projects.

31 Minimize rescue and relief efforts undertaken at the expense of the taxpayers.

32 Minimize business interruptions and other economic disruptions.

33 Minimize damage to public facilities in the floodplain.

34 Minimize the occurrence of future flood blight areas in the floodplain.

35 Discourage the victimization of unwary land and homebuyers.

36 Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

37 Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(b) To accomplish the above objectives, it is the further intent of the Kenosha County Board of Supervisors in enacting this ordinance to hereby:

1 Establish the Kenosha County Office Department of Planning and Development.

2 Create, as part of this ordinance, all of the necessary districts, maps, and staffing deemed necessary for achieving all of the objectives of this Ordinance.

3 Delineate as clearly as possible those circumstances which when present will qualify as exceptions, to this ordinance as well as those circumstances in which changes and amendments may be made to the Ordinance or variances granted.

4 Delineate, without limitation due to enumeration, those aspects of zoning which are to be prohibited, such as use variances.

5 Follow all due process requirements and procedures so as to safeguard the rights of individual landowners.

6 Provide for the strict enforcement of this ordinance.

7 Establish a proper system for reviewing and appealing the actions of the of Kenosha County Department of Planning and Development

8 This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR.

9 Make available and distribute all maps, engineering data, and regulations in accordance with the provisions of section NR116.20(5) of the Wisconsin Administrative Code

12.01-4 TITLE

This ordinance shall be known as, referred to, and cited as the "KENOSHA COUNTY, WISCONSIN GENERAL ZONING-AND SHORELAND/FLOODPLAIN ZONING ORDINANCE" and hereinafter referred to as the "Ordinance".

B. <u>INTERPRETATION</u>

12.02-1 ADOPTION, APPROVAL AND EFFECTIVE DATE-SHORELAND/FLOODPLAIN AREAS

Within those areas defined in this ordinance as shorelands and floodplains, this ordinance shall be effective after a public hearing, recommendation by the Planning, Development & Extension Education Committee, adoption by the county board of supervisors and publication or posting as provided by law. For purposes of this section, this ordinance in its entirety shall consist of both the text and maps of the various districts in the unincorporated areas of Kenosha County falling within the shorelands/floodplains areas. (11/5/84)

12.02-2 ADOPTION, APPROVAL AND EFFECTIVE DATE-OTHER AREAS

(a) This ordinance shall be effective after a public hearing; recommendation by the county Planning, Development & Extension Education Committee and adoption by the county board of supervisors; publication or posting as provided by law; and with respect to an individual town, approval by the town board of supervisors. The zoning ordinance of Kenosha County 1959, as adopted and amended, shall remain in effect in each individual town until this ordinance is approved by the town board of supervisors, or for a period of one year from the date of adoption of this ordinance by the county board of supervisors in its entirety, whichever comes first. (11/5/84)

(b) If the town board of supervisors does not approve this ordinance by the end of the one-year period aforementioned, neither this ordinance nor the zoning ordinance of 1959 as amended shall be in effect in that town except as provided in section 12.02-1 of this ordinance. The aforementioned period of one year shall not begin to run until such time as this ordinance is presented to the town boards in its entirety. For purposes of this section, this ordinance in its entirety shall consist of both the text and maps of the various districts in the unincorporated areas of Kenosha County.

12.02-3 JURISDICTION (6/12/12)

(a) The provisions of this ordinance shall apply to all structures, land, water and air within the unincorporated areas of townships located within Kenosha County, Wisconsin, where this ordinance has been approved by the township pursuant to section 12.02-2 of this ordinance.

(b) Where this ordinance has not been approved by a particular township pursuant to section 12.02-2 of this ordinance, the provisions of this ordinance shall nevertheless apply to all structures, lands, water and air within the shoreland jurisdiction of Kenosha County. The shoreland includes all unincorporated areas within the following distances from the ordinary high water mark of all navigable waters: 1000 feet from a lake, pond or flowage; 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof. (11/5/86)

(c) Unless specifically exempted by law, all cities, villages, town governments, and Kenosha County are required to comply with this Ordinance and obtain all necessary permits in those areas described in subsections (a) and (b) above. State agencies are required to comply with Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a) of the Wisconsin Statutes applies. (11/5/86)

(d) The provisions of this ordinance apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns,

counties and, when s. 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

12.02-4 REPEAL, CONFLICTING ORDINANCES AND GREATER RESTRICTIONS (8/6/02)
Except as provided in section 12.02-2, the Zoning Ordinance of Kenosha County of 1959 as adopted and amended and the Shoreland/Floodplain Zoning Ordinance of Kenosha County of 1971 as amended are hereby repealed and superseded by this ordinance. It is not the intent of this ordinance, however, to repeal any provisions in the Kenosha County Sanitary Code and Private Sewage System Ordinance (Chapter 15, Municipal Code of Kenosha County) as created, amended or repealed and recreated or the Subdivision Control Ordinance (Chapter 14, Municipal Code of Kenosha County) as created, amended or repealed and recreated. In case of conflicts between this ordinance and any of the provisions of the above ordinances or other adopted county ordinances, those provisions providing for greater restrictions shall prevail.

12.02-5 PROJECTS IN PROGRESS
The provisions of this ordinance shall not apply to any construction project for which a valid zoning permit has been issued prior to the enactment of this ordinance, with the provision, however, that construction, has substantially commenced as defined in this ordinance, within six months after the issuance of the permit and with the further provision, however, that in the case of permits granted in the Shoreland-Floodplain District that substantial construction is completed, as defined in this ordinance, within 15 months after the issuance of the permit.

12.02-6 ABROGATION AND GREATER RESTRICTIONS
It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law except as provided for in section 12.02-5 of this Ordinance. Nor is it the intent of this ordinance to abrogate, impair or interfere with the legal rights of individuals as they may be guaranteed by the state and federal constitutions, statutes, and administrative rules. Claims for such interference may be addressed through the administrative appeals procedure provided for in section 12.35 of this ordinance.

The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

(a) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(b) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

(c) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) The following provisions of the Kenosha County Zoning Ordinance are hereby incorporated by reference. These provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

(e) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 12.01-3 of this ordinance,

12.02.7 LIBERAL CONSTRUCTION (6/12/12)
In the interpretation and application of this Ordinance, the provisions of this ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the county and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time, or now possessed by Kenosha County. If a provision of this ordinance, is required by statute and a standard in Ch. NR115 or NR 116, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Ch. NR 115 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

12.02-8 SEVERABILITY AND NON-LIABILITY

(a) 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.

(b) If any application of this ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

(c) The County does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation or that those soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the Board of Supervisors, its agencies or employees for any flood damage, sanitation problems, structural or other damages that may occur as a result of reliance upon and conformance with this ordinance.

12.02-9 LIMITATION OF ACTION
Pursuant to Wisconsin Statutes section 59.69(14), a land owner, occupant or other person affected by this ordinance or amendment thereto who claims that this ordinance or amendment is invalid because procedures prescribed by the statutes or the ordinance were not followed shall be forever barred unless the court action is commenced within 6 months after adoption. Provided, this subsection shall not apply unless there has been at least one publication of a notice of a zoning hearing in a local newspaper of general circulation and unless a public hearing has been had on the ordinance or amendment at the time and place specified in such notice.

12.02-10 ZONING MAPS (6/12/12)

The Zoning Maps were adopted and approved with the text as part of this ordinance and boar upon its face the attestation of the County Board Chairman, County Clerk and the Director of Planning and Development for Kenosha County, Wisconsin and are available to the public for inspection in the Kenosha County Department of Planning and Development. These maps were entitled "Kenosha County Zoning Maps" numbered, "Kenosha County - 1" through "Kenosha County - 8". Kenosha County zoning maps in digital format developed with geographic information systems software first incorporated into the zoning ordinance on April 28, 2002 and updated from time to time replaced the hard copy zoning maps and shall be maintained in the Kenosha County Department of Planning and Development. Copies of the zoning maps in digital format shall be made available to the public for inspection, at cost, by the Kenosha County Department of Planning and Development.

12.02-11 OTHER MAPS (6/12/12)

(a) TOPOGRAPHIC AND ORTHOPHOTOGRAPHIC
Kenosha County Department of Planning and Development makes use of topographic and orthophotographic maps in digital format which are updated from time to time and are maintained in the Kenosha County Department of Planning and Development.

(b) WETLANDS
Kenosha County Department of Planning and Development makes use of the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer and or other maps that reflect the best data available.

(c) ENVIRONMENTAL CORRIDORS
Kenosha County Department of Planning and Development makes use of primary and secondary environmental corridor maps and isolated natural resource maps as defined by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) or other maps that reflect the best data available.

12.02-12 ZONING MAP AMENDMENTS-EFFECTIVE DATE (6/12/12)

(a) Amendments to the Zoning Maps shall become effective upon adoption by the Kenosha County Board of Supervisors, notification of the Town Clerk of all Towns affected by the amendment, the filing of proof of publication thereof in the Kenosha County Department of Planning and Development, and the expiration of any time limit imposed by section 59.69 of the Wisconsin Statutes within which Townships may veto the action and amendment of the County Board. It shall be the duty of the Kenosha County Department of Planning and Development to enter all zoning map amendments and the date of the latest amendment upon the certified copy of the Zoning Map and secure any required certifications or attestations.

(b) Amendments to the FPO Floodplain Overlay District~~, FWO Camp Lake/Center Lake Floodway Overlay District, and FFO Camp Lake/Center Lake Floodplain Fringe Overlay District~~ shall not become effective until approved by the Wisconsin Department of Natural Resources, (DNR) and FEMA through the Letter of Map Change process in accordance with 12.40-1 Amendments. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process in accordance with 12.40-1 Amendments before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Kenosha County

Department of Planning and Development. If more than one map or revision is referenced, the most restrictive information shall apply.

12.02-13 INTERPRETATION OF DISTRICT BOUNDARIES (6/12/12)

(a) Boundaries of the districts set forth in section 12.20 to 12.26 are hereby established as shown on the digital zoning maps as described in Section 12.02-10. No change in a zoning boundary shall be made except after petition, review and approval pursuant to the requirements of section 12.38 of this ordinance.

(b) Boundaries of the basic zoning districts shall be construed to follow Corporate Limits; U.S. Public Land Survey section lines; lot or property lines; centerlines of streets, highways, alleys, easements, navigable bodies of water, and railroad rights-of-way, or such lines extended. Lines which appear to be parallel to any of the aforementioned boundaries of specified distance shall be construed to be parallel as noted. Where the above rules cannot be readily applied, the location of district boundary lines shall be determined by use of the scale shown on the official zoning map.

(c) Boundaries of the floodplain overlay districts as referenced in the following official floodplain maps and studies

1 All areas covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM), as approved by DNR and FEMA. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) volume numbers 55059CV001B and 55059CV002B, effective March 7, 2017 and are shown as AE, A, AH, and AO Zones on the FIRM. These official floodplain maps and studies are on file in the office of the Kenosha County Department of Planning and Development. If more than one map or revision is referenced, the most restrictive information shall apply. Kenosha County (unincorporated areas) Flood Insurance Rate Map Panel Numbers include:

KENOSHA COUNTY, WISCONSIN - FIS Community Number 550523

FLOOD INSURANCE RATE MAP PANELS

55059C0017D, 55059C0036D, 55059C0061D, 55059C0063D, 55059C0139D, 55059C0251D, 55059C0252D, ~~55059C0012D,~~ 55059C0016D, 55059C0018D, 55059C0019D, 55059C0038D, ~~55059C0039D,~~ 55059C0041D, 55059C0042D, ~~SS059C0043D~~55059C0043D, 55059C0044D, 55059C0062D, 55059C0064D, ~~55059C0088D, 55059C0089D, , 55059C0093D,~~ 55059C0110D, 55059C0116D, 55059C0117D, 55059C0118D, 55059C0119D, 55059C0126D, 55059C0127D, 55059C0128D, 55059C0129D, 55059C0131D, 55059C0132D, 55059C0133D, 55059C0134D, 55059C0136D, 55059C0137D, 55059C0138D, ~~55059C0141D, 55059C0142D, 55059C0143D, 55059C0144D,~~ 55059C0151D, ~~55059C0152D, 55059C0l53D,~~ 55059C0154D, 55059C0156D, 55059C0157D, 55059C0158D, 55059C0159D, ~~55059C0161D, 55059C0162D, 55059C0163D, 55059C0164D,~~ 55059C0176D, 55059C0177D, 55059C0178D, 55059C0179D, ~~55059C0181D, 55059C0182D, 55059C0183D, 55059C0184D, 55059C0201D, 55059C0202D,~~ 55059C0231D, 55059C0232D, ~~55059C0256D, 55059C0257D, 55059C0276D, 55059C0277D~~ dated June 19, 2012; and, 55059C0184E dated March 7, 2017.

~~2 The boundaries of the FWO Camp Lake/Center Lake Floodway Overlay District and the boundaries of the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be~~

~~determined through the use of the flood profiles in Appendix F of the November 5, 1992 letter report prepared by the Southeastern Wisconsin Regional Planning Commission titled Hydrologic and Hydraulic Analysis of an Unnamed Tributary to the Fox River Chain of Lakes. The flood stages, under floodway conditions, were developed from technical data contained in the aforereferenced letter report.~~

~~3~~2 Floodplain maps derived from other studies and approved by the DNR.

a The 100-year dam failure floodplain map is determined through the use of dam failure analysis and profiles developed by Mead & Hunt Inc. as documented in their report entitled Evaluation of Hazard Potential Meyer Material Company KD Pit Embankment, January 2001. The report and study is on file in the office of the Kenosha County Department of Planning and Development.

b Official Letters of Map Change (LOMC)

(d) Floodplain Zoning is ~~divided into three overlay districts and are~~ shown on the digital zoning maps as described in Section 12.02-10 and as described as follows:

1 The FPO Floodplain Overlay District is those areas that may be covered by floodwater during the regional flood including the floodway and are contained within AE and A Zones as shown on the FIRM.

~~2 The FFO Camp Lake/Center Lake Floodplain Fringe Overlay District is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.~~

~~3 The FWO Camp Lake/Center Lake Floodway Overlay District include those areas with a floodway boundary determined and identified as AE zones on the FIRM.~~

(e) Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in sub (1) or (2) below. If a significant difference exists, the map shall be amended according to 12.40-4 Amendments. The planning and development administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The planning and development 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 planning and development administrator and an applicant over the district boundary line shall be settled according to 12.36-5(a)3 and the criteria in (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to 12.40-4 Amendments.

1 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.

2 Where flood profiles do not exist for projects, the location of the boundary shall be determined by the digital zoning maps as described in Section 12.02-10.

(f) Boundaries of the C-1 Lowland Resource Conservancy District, that includes shoreland-wetlands, are shown on the maps referred to in Section 12.02-13(a) and boundary locations were determined by the criteria set forth in Sections 12.25-1(b).

12.02-14 ANNEXED LANDS (4/9/02)

(a) Pursuant to Wisconsin Statute 59.69(7), whenever any area which has been subject to the Kenosha County Zoning ordinance petitions to become part of a village or city, the regulations imposed by this ordinance shall continue in effect, without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the County Zoning Ordinance shall prevail and the County shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(b) Reserved for future use.

(c) When any lands previously under the jurisdiction of this ordinance have been finally removed from the jurisdiction of this ordinance by reason of annexation to an incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in subsection (a), the County Board may pursuant to Wisconsin Statute section 59.69(5)(e)7, on the recommendation of the Department of Planning and Development adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided for amendment or change to the ordinance as noted in Wisconsin Statute 59.69(5)(e)1 through 6, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the County Clerk to the Clerk of each town in which the lands affected were previously located. Nothing in this section shall be construed to nullify or supersede those provisions set forth in Wisconsin Statute section 80.64.

12.02-15 DEFINITIONS (4/9/02)

For the purpose of this ordinance, the definitions listed in Appendix "A" shall be used unless otherwise specified. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory. Words not defined in Appendix "A" shall be construed according to any applicable definition set forth in either the State Statutes, Administrative Code or County Ordinance or in lieu thereof, shall be construed according to accepted land use, scientific, or architectural definition or in lieu thereof, according to their customary dictionary definition.

II. ADMINISTRATION

A. PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE

12.03-1 COMPOSITION AND APPOINTMENT
The Kenosha County Board of Supervisors shall appoint a planning and zoning agency to act in all matters pertaining to county planning and zoning pursuant to Wisconsin Statutes, section 59.69(2)(a) and according to the municipal code of Kenosha County, section 2.04(1)(a)4. From its members, the committee shall elect a chairman whose term shall be for two years and may create and fill such other offices as it determines. For purposes of this ordinance, the county planning and zoning agency shall be synonymous with the county Planning, Development & Extension Education Committee. (11/5/84)

12.03-2 MEETINGS AND HEARINGS
All meetings and hearings of the committee shall be conducted in conformance with sections 19.81 through 19.98 of the Wisconsin Statutes, the Wisconsin Open Meeting Law and amendments and revisions thereto and with Chapter 2 of the Municipal Code of Kenosha County.

12.03-3 DUTIES (6/12/12)
Subject to change by the county board, the committee may adopt such rules and regulations governing its procedures as it considers necessary or advisable and not in conflict with either the Wisconsin Statutes or the Municipal Code of Kenosha County. The committee shall keep a record of its planning and zoning studies, it resolutions, reports, transactions, findings and determinations pursuant to Wisconsin Statute 59.69(2)(c). In addition thereto, the committee shall have the following duties:

(a) To hold public hearings pursuant to petitions for amendments to the zoning ordinance and pursuant to petitions for conditional use permits and as otherwise required by Wisconsin Statutes and this ordinance.

(b) To perform all Planning and Zoning related functions required by State Statutes and the Municipal Code of Kenosha County including the preparation of a master plan for the physical development of the county's lands, air and waters.

(c) To make any inspections of properties deemed necessary by the committee so as to allow the committee to be better informed on any issues presented to it.

(d) To supervise the administration of the Kenosha County Department of Planning and Development.

(e) The Planning, Development & Extension Education Committee shall not grant variances to the terms of the ordinance in place of action by the Board of Adjustments or amend the text or zoning maps in place of official action by the governing body.

12.03-4 POWERS (6/12/12)
The Kenosha County Planning, Development & Extension Education Committee shall, in addition to any other powers allowed by State Statute and the Municipal Code of Kenosha County, have the following powers: (11/5/84)

(a) To recommend to the Kenosha County Board of Supervisors substantive and procedural amendments or changes to this ordinance and to authorize the Department of Planning and Development to make non-substantive and routine changes to zoning text/maps, such as, but not limited to; statutory reference updates; required statutory changes; ordinance numbering; changes to official names of departments, committees, job titles, office hours, forms, and consolidation of existing zoning provisions, and in addition changes to application requirements and administrative procedures where the intent is not to change substantive and procedural rights. The committee may further grant approval of conditional use permits pursuant to section 12.29-5(i) of this ordinance without county board action.

(b) To impose any condition allowed by law in connection with a zoning change or amendment or the granting of conditional use permits including, without limitation due to enumeration, requirements with respect to time, distance, method of construction, clean-up, essential services, performance bonds and letters of credit.

(c) To suspend or revoke for cause any permit granted by the Committee or the Department of Planning and Development to an individual landowner for non-compliance with the terms upon which the permit was issued or to delegate such authority to the County Planning and Development Administrator.

(d) To set, with County Board approval, qualifications for personnel positions within the Department of Planning and Development.

(e) To establish fees pursuant to section 12.05-8 of this ordinance without County Board approval.

B. <u>KENOSHA COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT</u>

12.04-1 DEPARTMENT OF PLANNING AND DEVELOPMENT

The Department of Planning and Development is hereby created as the county zoning agency by the Kenosha County Board of Supervisors for the purpose of administering all planning functions required by Statute and enforcing all planning and zoning related ordinances enacted by the Kenosha County Board of Supervisors and any other ordinance designated by the Kenosha County Board of Supervisors to be enforced by the Department of Planning and Development.

12.04-2 PLANNING AND DEVELOPMENT DIRECTOR-SELECTION AND TERM OF OFFICE

(a) The position of County Planning and Development Director is hereby created as a permanent position by the Kenosha County Planning, Development & Extension Education Committee. The term of office shall be indefinite. (11/5/84)

(b) Qualifications for the position of administrator and planner shall be determined by the Planning, Development & Extension Education Committee. Such qualifications shall include requirements with respect to expertise in the areas of planning, zoning, geography or urban affairs and past related work experience. (11/5/84)

12.04-3 DUTIES OF THE PLANNING AND DEVELOPMENT DIRECTOR

The County Planning and Development Director shall have the following duties:

(a) To administer and enforce the zoning, shoreland, floodplain, subdivision control, and sanitary ordinances enacted by the Kenosha County Board of Supervisors so as to manage and promote

the public health, safety, convenience and general welfare of the citizens of Kenosha County pursuant to the appropriate statutes and ordinances.

(b) To give all legal notices required by State Statutes and the aforementioned ordinances.

(c) To investigate alleged zoning violations and give notice thereof to the owner of the subject property and assist in necessary prosecutions and make as often as necessary, all necessary inspections of structures, lands and waters to certify compliance with the aforementioned ordinances and report uncorrected violations to the corporation counsel in a manner specified by him and assist the corporation counsel in any action involving the Department of Planning and Development.

(d) To extend zoning information, assistance and advice to the public.

(e) To maintain, by parcel number where feasible, the appropriate records and indexes for all permits, inspections, complaints, public hearings, legal notices and zoning maps and other official actions.

(f) To attend policy formulation meetings and make recommendations to the Planning, Development & Extension Education Committee, and set public hearings as required by the Wisconsin Statutes or the Municipal Code of Kenosha County. (11/5/84)

(g) To make all necessary studies required for the improvement of land use in Kenosha County and studies relevant to the imposition of conditions for obtaining a conditional use permit.

(h) To supervise the operation of the office and town deputy zoning administrators and recommend job descriptions for positions within the office and fill such positions pursuant to section 12.04-6.

(i) To supervise the County Sanitation Inspectors in any areas designated by the County Board.

(j) To prepare, present and implement the annual budget for the Department of Planning and Development.

(k) To prepare all necessary resolutions and reports for the Planning, Development & Extension Education Committee and the Kenosha County Board of Supervisors that relate to Planning and Development. (11/5/84)

(l) To collect and account for all fees and other monies received by the office.

(m) To prepare, maintain, file and record by parcel number where feasible, all records, maps, photographs, studies, reports, surveys, tapes and indexes required for the efficient and proper administration and enforcement of the aforementioned ordinances.

(n) Pursuant to Wisconsin Statute 59.69(10)(b) and (c), maintain a record after the approval of this ordinance or amendments thereto or changes in district boundaries, approved by the Town Boards, of all lands, premises and buildings in the town used for purposes not conforming to the regulations applicable to the district in which they are situated.

(o) To contest, subject to the time limitations set forth in section of the Wisconsin Statutes and any conditions required by Chapter 68 of the Wisconsin Statutes, any decision of the Board of Adjustments which is in the opinion of the administrator incorrect.

12.04-4 POWERS

The county planning and development director shall have the power to:

(a) Receive, review and act upon, (either granting or denying) all zoning, use and other permit applications authorized by the aforementioned ordinances and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) 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 and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

(c) Review all subdivisions for compliance with the standards in (h) above. 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 and all other requirements in 12.26-1 or 12.26-1.7. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(d) Determine similarities in intended uses with those uses set forth in a particular district as provided for in section IV of this ordinance.

(e) Prohibit the use or erection of any structure or the use of any land or water until he has inspected and approved such use or erection.

(f) Suspend or revoke any permit issued by the Department of Planning and Development or by the Planning, Development & Extension Education Committee where so delegated, upon noncompliance with the terms of the permit and/or this ordinance. (11/5/84)

(g) Commence, subject to the county corporation counsel's approval, any legal action in the name of Kenosha County to ensure enforcement of the terms of the aforementioned ordinances.

(h) Issue citations pursuant to section 66.0119 of the Wisconsin Statutes and section 3.11 of the Municipal Code of Kenosha County to be served by the Kenosha County Sheriff for violations of any of the aforementioned ordinances.

(i) Gain entry to premises, buildings and structures for the purpose of investigating applications for permits and for the purpose of determining compliance with any permit issued pursuant to any of the aforementioned ordinances or provisions of this ordinance during reasonable daylight hours or any other time authorized by the court. If entry is refused after presentation of proper

identification, a special inspection warrant may be procured in accordance with Wisconsin Statute section 66.0119.

12.04-5 PLANNING AND DEVELOPMENT ADMINISTRATOR (6/12/12)

(a) There is hereby created the position of Planning and Development Administrator who shall be appointed by the Director of Planning and Development, and

(b) The Planning and Development Administrator shall perform those duties assigned to him by the Director of Planning and Zoning and shall have authority to exercise those powers designated in section 12.04-4(a),(c),(d),(f) and (g); in addition, the duty of the Planning and Development Administrator shall be to interpret and administer this ordinance and to issue, after on-site inspection, all permits required by this ordinance. The Planning and Development Administrator shall further:

1 Maintain Records of all permits issued, inspections made, work approved, and other official actions. Floodproofing certificates, water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments. All substantial damage assessment reports for floodplain structures and list of nonconforming structures and uses.

2 Record the Lowest Floor Elevations of all structures erected, moved, altered, or improved in the floodland districts.

3 Establish That All Necessary Permits that are required for floodland uses by state and federal law have been secured.

4 Inspect all structures, lands, and waters as often as necessary to assure compliance with this ordinance. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

5 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 corporation counsel in a manner specified by him.

6 Assist the corporation counsel in the prosecution of ordinance violations.

7 Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.

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

9 Request Assistance and cooperation from the county sheriff's department and corporation counsel as deemed necessary.

10 Submit Copies of the following items to the DNR Regional office:

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

b Copies of case by case analyses and other required information including an annual summary of floodplain zoning actions taken.

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

(c) In the event of sickness, temporary vacancy, disability or inability arising from any cause, and the planning and zoning director is unable to perform his duties, the planning and development

administrator is empowered to temporarily discharge the functions of the director until such time as the director is able to resume his duties.

(d) In the event of a vacancy in the office of the director due to his resignation, death or removal, the vacancy shall be filled by appointment by the county Planning, Development & Extension Education Committee and the administrator shall, from the date of vacancy, temporarily perform the duties and functions of the director, at the director's rate of pay as determined by the pay schedule established by the Kenosha County Board of Supervisors for this position until the vacancy is filled. (11/5/84)

~~**12.04-6 DEPUTIES**~~

~~(a) A deputy zoning administrator may be appointed in each township by the Director of Planning and Development and confirmed by the town board. Deputies may also serve in the capacity of local building inspectors at the discretion of the town board. The Director of Planning and Development may also appoint additional deputies from the Director's staff without town board approval so as to fulfill the functions of the Department of Planning and Development. The aforementioned deputies shall be sworn in by the County Clerk.~~

~~(b) Each township may, by resolution, determine that Town deputies shall be authorized to issue zoning permits. All such zoning permits shall be forwarded to the Department of Planning and Development within five days from the date of issuance; failure to comply with this provision shall result in a revocation of the Town Deputy's authority to issue zoning permits upon written notice by the Director of Planning and Development. Deputies shall, however, be required to make all necessary inspections to insure compliance with this ordinance and shall report any violations to the Department of Planning and Development with any necessary information and data necessary to substantiate a violation. Deputies shall be familiar with the ordinances and state statutes necessary for performing their duties and any failure or negligence on their part in so performing their duties shall be cause for the Planning, Development & Extension Education Committee directing the Director of Planning and Development to appoint a successor to said deputy to be confirmed by the Town Board. Such deputies shall not be considered county employees. (11/5/84)~~

~~(c) Deputy Zoning Administrators shall have those powers designated in section 12.04-4(a), (c), (f) and (g). Deputies, however, shall not issue conditional use permits.~~

C. PERMITS

12.05-1 APPLICATIONS REQUIRED (6/12/12)

(a) No buildings, structures, or any parts thereof, or any development except as hereinafter provided in this ordinance, shall be built, enlarged, altered, repaired, demolished, placed or moved within the areas subject to the provisions of this ordinance until a permit has been applied for in writing and issued by the Planning and Development Director or Administrator or his Deputy. For the purposes of this section, to alter or repair a building or structure shall be construed to mean to change the dimensions, square footage, cubic footage, or structural supports of a building or structure or to change the structure in such a way that the future use of the premises is inconsistent with the district wherein the parcel is located. All permits issued by the Department of Planning and Development shall be issued only upon the condition that

the Director of Planning and Development or his designee may inspect the premises for compliance during reasonable daylight hours.

(b) No new business or industry established in an existing structure shall be permitted to commence its operation until such time as a certificate of compliance has been issued by the Department of Planning and Development certifying that the proposed use or operation is in compliance with the terms of this ordinance.

(c) Applications for permits required by this ordinance shall be made to the Department of Planning and Development on forms furnished by the office or authorized by this ordinance and shall include all information and data required by such forms.

(d) Applications for zoning permits required by this ordinance shall fully comply with section 145.195 of the Wisconsin Statutes, and with the Kenosha County Sanitary Code and Private Sewage System Ordinance, both of which may be amended from time to time.

(e) Reserved for future use. (8/6/02).

(f) No application shall be accepted by the Department of Planning and Development if the parcel for which a permit is being applied for is not in compliance with any provision of this ordinance.

(g) Any application for a permit under this ordinance or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the provisions of this ordinance.

(h) Such forms shall include the following information or as deemed appropriate by the Department of Planning and Development:

1 Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and authorized agent and their respective phone numbers.

2 Description of the subject site by lot, block, and reported subdivision or by metes and bounds; addresses of the subject sites; type of structure; existing and proposed operation or use of the structure or sites; number of employees, anticipated patrons or maximum seating capacity and the zoning district within which the subject site lies, tax parcel number, date of purchase and projected cost of construction.

3 A plat of survey and/or site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Department of Planning and Development Administrator showing the locations, boundaries, dimensions, uses and sizes of the following as deemed appropriate by the Department of Planning and Development: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways and utilities; off-street parking, loading areas, and driveways; existing highway access restrictions; ordinary high water mark, channel, floodway, floodplain, and shoreland boundaries; and existing and proposed street, sides, rear, and shore yard setbacks. In addition, the site plan or plat of survey shall show, when required by the Department of Planning and Development, the type, slope, and boundaries of soils shown on the operational soil survey maps prepared by the United State Department of Agriculture Natural Resources Conservation Service for the Southeastern Wisconsin Regional

Planning Commission. Also, such survey/site plan shall show, when required by the Department of Planning and Development, any natural features such as waterways, woods, terrain, etc., which would tend to restrict the development of the parcel. Such survey or plan shall also show the location and size of any septic field, holding tank, well, utilities and roadways. Dimensions for street, sides, rear and shore yard setbacks shall be clearly shown. All permit applications for new principal structures in any district shall be accompanied by a plat of survey prepared by a land surveyor registered by the State of Wisconsin. (11/5/84)

4 The permit fee specified in section 12.05-8.

5 Additional information that may be required by the County Planning, Development & Extension Education Committee, Director or County Sanitary Inspector. (11/5/84)

6 The elevation of the lowest floor of proposed buildings and any fill using the North American Vertical Datum (NAVD)

7 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 12.26-1, 12.26-1.5 or 12.26-1.7 are met; and

8 Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to 12.40-4. This may include any of the information noted in 12.26-1.5.

9 Development and substantial improvements in the floodland districts may require a hydraulic and hydrologic study. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department of Natural Resources and must meet the requirements detailed in Appendix C.

12.05-2 APPLICATIONS NOT REQUIRED (8/6/02)

Except for development and substantial improvements in the floodland districts, permits shall not be required for: (3/1/94)

(a) Farm buildings and structures which are not for human habitation and which are not permanently fixed to the ground and which are readily removable in their entirety, provided that street, sides, rear and shore yard setback requirements for that District are met. This exemption, however, shall not apply to roadside stands more than 300 square feet in area used for the sale of farm products or other goods and services produced solely on the parcel.

(b) Farm improvements such as drainage irrigation systems, grass waterways and terraces, farm fences except as outlined in this ordinance.

(c) Public utilities such as gas and oil pipe lines, electric and telephone transmission and distribution lines, poles and other accessories which shall be permitted in all districts except for those areas defined as Shoreland areas provided, however, that when a utility proposes a major inter-city transmission line or pipeline, it give notice to the Planning, Development & Extension Education Committee of such intention and of the time and place of hearing before the Public Service Commission and provided further that at the request of the Committee, the utility meet with it to discuss the routing of said transmission line or pipe line and before actual construction, file a mapped description of the route of such transmission line with the Committee. (11/5/84)

(d) Repairs and other alterations which do not change the cubic footage of a building or structure and do not constitute a change in use and meet all street, sides, rear and shore yard setback requirements.

(e) Sidewalks, walkways, fire pits and patios, except patios located on riparian lots.

(f) Structures 150 square feet or less in area and not more than fifteen feet in height. Such structures must, however, conform with the yard requirements of the district in which they are located, or if the structure is located in the rear yard, with the requirements set forth in section 12.27-2(a)1 of this Ordinance. (6/2/92)

(g) Steps and stairs to a dwelling in conformance with Section 12.27-2(aa) of this ordinance.

12.05-3 TIME LIMITS (6/12/12)
All permits, except conditional use permits and stipulated shoreland permits, shall be granted or denied in writing, within 30 days after application, by the Department of Planning and Development. All stipulated shoreland permits shall be granted or denied within 60 days after application, unless the time is extended by mutual agreement. The applicant shall post any permit granted in a conspicuous place at the site. All zoning permits shall expire within 18 months, except for permits issued in the FPO~~, FFO and FWO~~ zoning district~~s~~ which shall expire within 6 months of issuance. The permit may be extended for a maximum of 6 months for good and sufficient cause. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

12.05-4 FOUNDATION SURVEY REQUIREMENTS (8/6/02)
(a) Except as provided for in subsection (b), any person erecting, moving, enlarging or reconstructing a structure, which, under this ordinance, requires a zoning permit shall upon completion of the construction of footings, concrete slab or other foundations, submit to the Department of Planning and Development a survey prepared by a registered land surveyor showing the locations, boundaries, dimensions, elevations and size of the following: The boundaries of the lot, all existing structures (including foundations) and their relationship to the lot lines. The County Director of Planning and Development shall compare the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. No further construction may commence unless the Director of Planning and Development shall find that the foundation location is consistent with the permit as issued and shall so certify. Failure to comply with the requirements of this section shall be grounds for the issuance of a citation pursuant to section 12.32-3 of this Ordinance, and attendant penalties. (6/2/92)

(b) A foundation survey shall not be required for the construction of any structure located at least 200 feet from any property line or 200 feet from any navigable body of water.

(c) In addition to the exception provided for in subsection (b) above, the foundation survey requirements may be waived at the option of the permit applicant, for any construction, except for construction of a principal structure and for the construction of a new foundation under an existing principal structure, provided that the permit applicant shall file and record with the Department of Planning and Development and with the Kenosha County Register of Deeds a "Waiver of Liability of Foundation Survey" which shall be binding on the permit applicant and his estate and which shall forewarn future owners of said parcel of the lack of a certified foundation

survey verifying that structures located on the parcel are in conformity to the ordinance and further, that if any error is made on the placement of any construction or structure, or if a zoning violation is later discovered, the applicant and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages. Structures illegally located on a parcel are in violation of the Kenosha County Zoning Ordinance. Applicable statute of limitations for prosecution of such violations shall not begin to run until such time as a certified survey has been filed with the Department of Planning and Development and the Register of Deeds indicating the location of the structures on the parcel. (6/2/92)

12.05-5 CERTIFICATE OF COMPLIANCE

A certificate of compliance shall be required in the following instances:

(a) No vacant land shall be occupied, used, developed or substantially improved; and no building hereafter erected, altered or moved shall be occupied; and no floodland shall be filled, excavated, or developed; and no nonconforming use shall be maintained, renewed or changed until a certificate of compliance shall have been issued by the Kenosha County Department of Planning and Development. Such permit shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of the ordinance. Such permit shall be issued only when the building or premises and the proposed use thereof conform with all requirements of this ordinance.

(b) No land within the FPO Floodplain Overlay District~~, FWO Camp Lake/Center Lake Floodway Overlay District, FFO Camp Lake/Center Lake Floodplain Fringe Overlay District~~ shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Kenosha County Department of Planning and Development a certification by a registered professional engineer or land surveyor that the floodland regulations set forth in this Ordinance have been fully complied with. Such certification shall include the ground elevations of any site which has been filled; and the first floor and basement floor elevations of any structures permitted by this Ordinance and erected on the site. (3/1/94)

(c) Upon the establishment of a new business or industry in an existing structure as set forth in section 12.05-1(b) of this ordinance. (3/1/94)

Under the above circumstances, no person, firm or corporation shall occupy, use or cause to be used, any land or building as set forth above until the Planning and Development Administrator has issued a written certificate of compliance.

12.05-6 OTHER PERMITS (6/12/12)

It is the responsibility of a permit applicant to secure all other necessary permits required by any federal, state, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 and 31 of the Wisconsin Statutes or a wetland fill permit required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, as amended.

12.05-7 DISCLAIMER

All permits issued by the Department of Planning and Development and Planning, Development & Extension Education Committee shall note the following disclaimer therein: (11/5/84)
"Each applicant for a Zoning Permit is charged with knowledge of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. Copies of the text of this ordinance or portions thereof and copies of the official zoning maps are available for sale, copying or inspection upon request. Any statement made, assurance given or permit erroneously issued contrary to this Ordinance is null and void."

12.05-8 FEES (8/6/02)

(a) All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Kenosha County Department of Planning and Development to help defray the cost of administration, investigation, advertising, and processing of permits and variances.

(b) Kenosha County and any town located within Kenosha County shall be exempt from payment of any of the above fees in subsection (a).

12.05-9 TRIPLE FEES

A triple fee shall be charged by the administrator if construction, as defined in this ordinance, is started before a permit is applied for and issued. Such triple fees shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

12.05-10 DISPOSITION OF FEES

(a) All fees collected by the Kenosha County Department of Planning and Development for permits issued through that office shall be retained by Kenosha County. County employees shall not be eligible to retain any of the fees collected.

(b) Except fees collected for appeals to the Board of Adjustments, Conditional Use Permits or requests for re-zoning, all fees collected for zoning permits by towns or town deputy zoning administrators/building inspectors shall be disposed of in the following manner: 50% to be forwarded to the Kenosha County Department of Planning and Development, 50% to the town wherein the property is located if the Town Deputy is a full-time employee of the Town, or in the alternative, 50% to the Town Deputy if such Deputy is a part-time employee.

12.05-11 REFUNDS

No refunds or fees paid under section 12.05-8 shall be made after any costs have been incurred by the Department of Planning and Development in processing applications or permits.

D. <u>OPERATIONS AND PROCEDURES</u>

12.06-1 HOURS

The Department of Planning and Development shall be open to the public Monday through Friday. Office hours and legal holidays shall be established pursuant to law.

12.06-2 RECORDS AND TAPES

The Department of Planning and Development shall be responsible for keeping all records and indexes for petitions, applications, complaints, permits, studies, plans, officially approved maps, surveys, plats, resolutions, reports, accounts, determinations and findings, minutes of official proceedings and tapes of

such proceedings by parcel number wherever feasible. Such records shall be deemed to be public records and open to the public except when directed by the Kenosha County Planning, Development & Extension Education Committee in accordance with Wisconsin Statutes. Office records maintained by the Department of Planning and Development shall not be destroyed except in accordance with State law and with county board approval. The source of complaints for violations of those ordinances to be enforced by the Department of Planning and Development shall not be revealed if the complainant has been given a promise of confidentiality. (11/5/84)

12.06-3 FORMS

Only those forms prepared by the Department of Planning and Development shall be used in zoning matters unless prescribed by state statute or this ordinance.

12.06-4 LEGAL NOTICE REQUIREMENTS AND TIME LIMITS

Any petition or other matter requiring the publication of a legal notice must be submitted at least one month prior to the requested hearing date as scheduled by the Planning, Development & Extension Education Committee or Board of Adjustments. For purposes of this section, "one month prior to the requested hearing date" shall be defined to mean not later than 4:30 p.m. on the same calendar date of the month preceding the scheduled hearing, or the last day county offices are open prior to the aforementioned deadline. For purposes of the Open Meeting Law, the Planning and Development Administrator shall be delegated the responsibility of informing the county clerk of both scheduled open and closed meetings so that proper notice may be given. Upon receiving petitions for conditional use permits or amendments to this ordinance, the Department of Planning and Development shall immediately forward all information pertinent to said petitions to the clerk of the township affected by the petition. The town may file a written advisory recommendation with respect to a conditional use permit application, either in support of or in opposition to the application, or to recommend approval with modifications to the application. The town may act on proposed amendments in accordance with section 12.38 of this ordinance. (11/5/84)

12.06-5 OFFICE OF BOARD OF ADJUSTMENT

When so designated by the Kenosha County Board of Adjustment, the Department of Planning and Development shall serve as the office of the Kenosha County Board of Adjustment for the purpose of filing any papers required by statute and requested by the Board of Adjustment, and for the purpose of keeping minutes of the Board of Adjustment and preparing any papers required by the Board of Adjustment.

12.06-6 OFFICE ASSISTANCE

The Director of Planning and Development shall receive assistance from the Kenosha County Sheriff, Kenosha County Surveyor, Kenosha County Assessor, Kenosha County Corporation Counsel's Office, Kenosha County Register of Deeds Office, Kenosha County Highway Department, Kenosha County Parks Department and Town Boards and Planning Commissions when requested.

III. GENERAL LAND USE REGULATIONS

A. GENERAL PROVISIONS

12.07-1 INTRODUCTION

The proper regulation of the use of certain structures, lands and waters, only through the use of the zoning districts contained within this ordinance is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this ordinance.

12.07-2 COMPLIANCE

No structure, land, water, or air shall hereafter be used or developed and no structure or part thereof shall hereafter be located, erected, moved, placed, reconstructed, extended, enlarged, converted, demolished, or structurally altered without full compliance with the provisions of this ordinance and all other applicable local, county and state regulations.

B. USE REGULATIONS

12.08-1 USES ALLOWED

Only the following uses, structures and their essential services shall be allowed in any district:

(a) Principal uses and structures specified for a district and permitted as a matter of right.

(b) Accessory uses and structures are permitted as a matter of right in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except as may be provided in sections 12.09-1 and 12.09-2 of this ordinance. No accessory structure shall be occupied as a separate dwelling unit. Accessory uses and structures are further regulated by section 12.08-2 of this Ordinance. (6/2/92)

(c) Conditional uses, as defined in section 12.29-1 and their accessory uses may be permitted only in specified districts after review, public hearing and approval by the Kenosha County Planning, Development & Extension Education Committee in accordance with procedures and standards established in this ordinance. (11/5/84)

(d) Stipulated Shoreland Uses, as may be provided for section 12.18-9 of this ordinance.

(e) Temporary uses and structures, as may be provided for under this ordinance.

12.08-2 SITE PLAN REVIEW

PURPOSE AND INTENT

~~For t~~The purpose of this section is to provide an integrated approach toward site and building development and a process to review and approve Site Plans for land uses which are subject to a Zoning Permit for any principle use or conditional use in any district except the A-1, A-2, and A-4 agricultural districts, the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 residential districts. The intent is to ~~of~~ promote~~ing~~ compatible development, stability of property values, and to prevent impairment or depreciation of

property values of development, changes or additions to existing structures and redevelopment~~, no person shall commence any use or erect any structure without first obtaining the approval of a detailed site plan as set forth in this section.~~

PROCESS AND SUBMITTALS

The Department of Planning and Development ~~Zoning Administrator~~ shall review and approve the following ~~site~~ plans as applicable:

Building Plan
Site Plan
Parking Plan
Landscape Plan
Lighting Plan (including photometrics)
Storm Water Management Plan
Utility Plan
Traffic Impact Analysis (TIA) Plan
Natural Resource Protection Plan

Such plans are necessary to identify~~,~~ existing and proposed structures, architectural plans, building construction plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, location and type of lighting ~~plans~~, type, size and location of signs, utilization of landscaping and open space, emergency vehicle accessibility, and the proposed operation for all development classified as a principal or accessory use ~~in any district except the A-1, A-2, and A-4 agricultural districts, the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 residential districts~~. (8/6/02)

(a) ~~(a)~~ STANDARDS AND ~~Principles~~PRINCIPLES

~~.~~ The following principles are established ~~To~~ to implement and define ~~criteria for~~ the purpose and intent~~s~~ set forth above, ~~the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses. The review time for approving a project requiring site plan review shall be within the time limits set forth in section 12.05-3 of this Ordinance unless insufficient data is submitted or the time is extended by mutual consent.~~

1 Building Design and Architecture

No building shall be permitted in which the design or exterior appearance ~~of which~~ is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards ~~.~~ or

~~2 No building shall be permitted the design or exterior appearance of which~~ is so identical with those adjoining as to create excessive monotony or drabness.

Buildings shall avoid a “box like” appearance having horizontal and vertical articulation. Integration of features like cornices, staggered parapet walls, wall offsets, recessed or extended windows and entries, covered arcades or similar design elements shall be used. Building additions shall be designed to be consistent with the existing building(s) in conjunction with the principles of this section.

2 Building Facades

No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties by a mixture of materials, banding, textures and colors. Buildings shall have four-sided architecture.

3 Building Materials

~~The facade of all buildings which face upon a street right-of-way shall be finished with an aesthetically pleasing material.~~ A minimum of 50 percent of a façade ~~facade~~ facing an existing or future street or a façade that is visible by the general public shall be finished with a combination of brick, native or manufactured stone, textured concrete block, decorative masonry material~~,~~ or decorative precast concrete panels~~, decorative glass panels, wood, or decorative metal or vinyl siding~~. ~~–~~ Smooth face concrete block is only permitted as an accent band. ~~Such finished material shall extend for a distance of at least 10 feet along the sides of the stru~~ Additions to existing buildings shall be permitted to maintain the appearance and materials of the existing façade so as to maintain a consistent appearance.~~cture. All buildings on corner lots shall have the required finished facade facing each street.~~

4 Building Scale and Mass.

The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

5 Building Rooflines and Roof Shapes.

The visual continuity of roofs and their contributing elements (parapet walls, coping, and cornices) shall be maintained in building development and redevelopment.

6 Equipment and Mechanicals.

Roof-mounted equipment and mechanicals shall be screened from public view, when viewed from grade level as measured from the lot lines and abutting street centerlines, in a manner matching the architectural style and materials of the building. A professional line-of-sight study may be required verifying this provision. Roof-mounted equipment and mechanicals added to an existing building shall comply with this provision. Roof drains, leaders and downspouts shall be integrated into the exterior design of the building.

Ground Equipment and mechanicals shall be screened from public view with a combination of solid fencing or walls and landscaping as deemed appropriate.

7 Colors

Since the selection of building colors has a significant impact upon the public and neighboring properties, color shall be selected in general harmony with existing neighborhood buildings.

a Frequent changes in material or color shall be avoided.

b The use of bold, primary colors should not be used for building facades except for accent elements.

c The use of bright colors, including but not limited to fluorescent, "hot", and "dayglow" colors is prohibited.

8 Location and Orientation

No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

9 Erosion Control and Storm Water

Appropriate erosion control and storm water management measures shall be utilized in all new development. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. Storm water management ponds and open drainage ways shall be designed to be visual amenities. The ~~Zoning Administrator~~ Department of Planning and Development ~~Planning and Development office~~ or the ~~Land Use~~Planning, Developmet and Extension Education Committee may require that drainage easements be executed.

~~Appropriate buffers shall be provided between dissimilar uses~~

10 Traffic Circulation

Buildings and uses shall provide for safe traffic circulation and safe driveway locations. Clear and identifiable patterns of circulation shall be designed to minimize conflicts between pedestrian, automobile and truck traffic.

11 Site Access and Parking

Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead doors shall face upon a street right-of-way without approval of the Department of Planning and Development~~Planning and Zoning Administrator~~~~Development office~~. Site cross-access lanes and associated easements shall be provided where deemed necessary by the Department of Planning and Development ~~Planning and Development office~~ and shall be a minimum of 24 feet wide. Subject to the requirements as set forth in Section 12.13-2a Dimensions of Parking and Section 12.13-3 Parking Requirements.

12 Public Services and Utilities

Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.

13 Lighting

~~Exterior lighting used for parking lots, recreation facilities, product display, and security shall not spill-over on operators of motor vehicles, pedestrians, and/or adjacent residential property.~~Subject to the requirements as set forth in Section 12.12-4 (da) Exterior Lighting Standards and 12.13-3(o) Lighting.

14 Buffers and Screening

Appropriate buffers shall be provided between dissimilar uses. Dumpsters and other trash receptacles shall be ~~fenced and/or~~ screened from view ~~from street rights-of-way~~

~~and adjacent residential uses.~~with solid fencing or walls as deemed appropriate by the Department of Planning and Development.

15 Landscaping and Open Space

Buildings and uses shall make appropriate use of open spaces. Subject to the requirements as set forth in Section 12.12-11 Landscaping.~~The Zoning Administrator or Land Use Committee may require appropriate landscaping and planting screens. A landscaping maintenance program, together with appropriate assurances, shall be submitted.~~The development applicant shall commit, in writing, to maintain all required landscaping.

~~(a)~~(b) Appeals. Any person or persons aggrieved by any decisions of the Zoning Administrator or the Land Use Committee related to plan review may appeal the decision to the Zoning Board of Adjustments pursuant to section 12.36-5 of this Ordinance.

C. HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES

12.09-1 REQUIREMENTS

Customary home occupations and professional home offices may be established in a dwelling or accessory building only in those districts which provide for such home occupations and professions. In such districts, the following requirements shall apply, in addition to all other applicable requirements of this ordinance for the districts in which such uses are located:

(a) The home occupation or profession shall be clearly incidental to the residential use of the dwelling and parcel and shall not change the essential residential character of the dwelling and parcel so that a typical neighbor would not be aware of such use other than for a permitted sign.

(b) Use of the dwelling and parcel for this purpose shall be limited to ~~only~~ 25 percent (25%) of one floor of either the ~~principal building~~dwelling or an accessory building.

(c) No accessory buildings ~~or outside storage~~ shall be used in connection with the home occupation except as provided in section (b).

~~(c)~~(d) No outside storage shall be used in connection with the home occupation.

~~(d)~~(e) No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical or dental equipment used for professional purposes.

~~(e)~~(f) Machinery that causes noises or other interference in radio or television reception shall be prohibited.

~~(f)~~(g) No internal or external alterations inconsistent with the residential use of the building shall be permitted.

~~(g)~~(h) Residents of the dwelling only may be engaged in the home occupation. In the case of professional offices, no more than one non-resident may be employed on the premises.

~~(h)~~(i) No display of products shall be visible from the street and only articles made on the premises may be sold on the premises.

~~(i)~~(j) Instruction in music, dancing and similar subjects shall be limited to two students at a time.

~~(j)~~(k) No more than three vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.

~~(k)~~(l) Signs shall be subject to regulations in section 12.14-1 through section 12.14-~~9~~ 8, specifically 12.14-4.1 of this Ordinance.

(m) Subject to the issuance of a Certificate of Compliance as set forth in section 12.05-5 of this ordinance.

12.09-2 PERMITED AND PROHIBITED HOME OCCUPATIONS (8/6/02)

(a) Examples of permitted home occupations include, but are not limited to:

~~1 Accountants, financial advisors~~
~~2 Architects~~
~~3~~1 Artist Studio
~~4 Attorneys~~
2 Computer services including desk top publishing and word processing
~~5~~3 Dressmaker or seamstress
4 Family day care with eight (8) or fewer children or adults
5 Gunsmith for service and repair of firearms licensed by the Bureau of Alcohol, Tobacco and Firearms, provided no discharging; loading of bullets; preparation of ammunition; sale, trade, lease or rental of firearms and/or ammunition takes place within the premises
6 Hair dresser, provided that no more than two patrons are on the premises at any one time
~~6~~7 Music or dance instruction
8 Office~~s~~ for construction businesses (no equipment or material storage)
9 Office for accountant, architect, attorney, broker, engineer, financial advisor, insurance agent, interior designer, land surveyor, marketing analyst, real estate sales, telemarketing or transcriber
~~7~~10 Taxidermy
~~8 Real estate sales~~

(b) Examples of prohibited home occupations include, but are not limited to:

1 Auto body repair or maintenance
2 Auto or small engine repair or maintenance
3 Catering and food services
~~3~~4 Construction and contractors' services
~~4~~5 Firearms and/or ammunition sales, trade, lease or rental
~~5~~6 Landscaping and lawn services
~~6~~7 Tattoo and body piercing
~~7~~8 Tree services
~~8~~9 Welding and machining

~~9 Construction and contractors' services~~

D. SITE REGULATIONS

12.10-1 STRUCTURES PER LOT; PUBLIC ACCESS (8/6/02)
All structures shall be located on a lot; and, except as otherwise provided in this ordinance, in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and C-2 districts, only one principal structure shall be located, erected or moved onto a lot. The number, size and type of accessory structures shall be governed as specified in each district and section 12.27-6 of this ordinance. All lots shall abut upon a public street, easement of record or other officially approved means of access and no zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

12.10-2 SANITARY WIDTH REQUIREMENTS
Except as provided for in section 12.10-3, lots serviced by a public sanitary sewer system shall have a minimum frontage of 75 feet in width at the front lot line except in the R-6 Urban Single-Family Residential District and the R-12 Mobile Home District, and except as provided for in section 12.10-3 the width of all lots located on land with soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than one hundred-fifty (150) feet and the area of all such lots shall not be less than forty thousand (40,000) square feet per dwelling unit to be constructed on the lot. Such on-site soil absorption sewage disposal systems shall be designated in accordance with all state and local laws, regulations and ordinances. On-site sewage disposal absorption systems shall be located on the same parcel of land as the building or buildings which are serviced by it.

12.10-3 LOTS ABUTTING CUL-DE-SACS
All lots abutting cul-de-sacs and curves may reduce the frontage on a public street or other officially approved means of access as outlined in each district ONLY.

12.10-4 MULTIPLE DISTRICT LOTS
Any lot or parcel containing more than one zoning district shall be considered to be entirely within the least restrictive district as defined in this ordinance provided, however, that in no case shall a district boundary be relocated a distance greater than 75 feet.

12.10-5 STORAGE AND DISCHARGE PROHIBITED
No waste material such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other materials of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be so located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters. Nor shall any such material be allowed to accumulate on any lot of record so as to be unsightly, dangerous or so as to constitute a nuisance. No gasoline storage tanks shall be permitted in a residential district and no more than two cords of firewood may be stored on any parcel located in the R-2 through R-12 Districts.

12.10-6 HOLDING TANKS

The use of holding tanks shall be regulated by the Kenosha County Sanitary Ordinance. In the case of conflict between this ordinance and the Sanitary Ordinance, the Sanitary Ordinance shall control.

12.10-7 REDUCTION OR JOINT USE
No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

12.10-8 LOTS ABUTTING MORE RESTRICTIVE DISTRICTS
Lots which abut upon more restrictive districts shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in each district. (11/5/84)

12.10-9 BACKLOT DEVELOPMENT PROHIBITED (6/2/92)
Backlot development or lake lot pyramiding on Kenosha County lakes is prohibited. Lots abutting a lake which is zoned for single-family residential development shall be used on a continuing basis for only one family. The purchase of a single lot or outlot abutting a lake shall not be used as access for subdivisions and other developments located away from the lake.

E. <u>RESERVED FOR FUTURE USE</u>

12.11-1 Reserved for future use

F. PERFORMANCE STANDARDS

12.12-1 INTENT

Sections 12.20 through 12.26 of this ordinance permits specific uses in specific districts. It is the intent of the Kenosha County Board of Supervisors that the following performance standards designed to limit, restrict and prohibit the effects of those uses outside of their premises or district be imposed upon all parcels falling within the jurisdiction of this ordinance so as to protect the quality of the environment, the safety and health of the citizens of Kenosha County, and to alleviate, and where possible, eliminate nuisances. It is the further intent of the Kenosha County Board of Supervisors that all structures, lands, air and waters shall hereafter, in addition to their use, site, shoreland and sanitary regulations, comply with the following performance standards, and all applicable standards set forth by the Wisconsin Department of Industry, Labor and Human Relations, Wisconsin Department of Natural Resources, and the Wisconsin Administrative Code.

12.12-2 PROCEDURE

(a) Prior to construction and operation. Any application for a permit under this ordinance or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the performance standards hereinafter set forth.

(b) Continued compliance. Continued compliance with the regulations and standards heretofore set forth in this section is required and enforcement of such continued compliance with these regulations and standards shall be a duty of the Department of Planning and Development.

(c) Determination of violation. The Department of Planning and Development shall investigate any reported violation of the hereinafter noted regulations and standards and, if there is reasonable grounds for the same, shall proceed in accordance with paragraph (d) below and section 12.31 of this ordinance.

(d) Termination of violation. All violations, as ascertained in accordance with paragraph (c) above shall be terminated within 30 days after notice of such violation and in the event that said violation is not terminated, it shall be deemed a separate violation for each date of its existence and subject to fines as set forth in this ordinance, except that certain uses established before the effective date of this ordinance and non-conforming as to the regulations and standards hereinafter set forth shall be given not more than 180 days in which to conform therewith after the determination of the existence of such violation and in the event said violation is not terminated, it shall be deemed a separate violation for each day it existed since the effective date of this ordinance.

12.12-3 REGULATION OF NUISANCE ELEMENTS

(a) No land or building in any district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; water pollution; electrical, radioactive or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area or premises; provided that any use permitted by this ordinance may be undertaken and maintained if it conforms to the regulations of this subsection limiting

dangerous and objectionable elements at the specified point or points of the determination of their existence.

(b) The determination of the existence of any dangerous and objectionable elements shall be made at:

1 The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.

2 The property lines of the use creating such elements for noise, vibration, glare and odors.

12.12-4 PERFORMANCE STANDARDS TO BE ENFORCED (6/12/12)

(a) 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 described in section NR431 and NR439 of the Wisconsin Administrative Code and amendments thereto. (8/6/02)

(b) Electrical, radioactive or other disturbances. No activity shall emit electrical, radioactive or other disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises. All applicable federal and state regulations shall be complied with.

(c) 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 against the hazard of fire and explosion with adequate firefighting and fire suppression equipment and devices that are standard in the industry. 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:

Closed Cup Flash Point	Gallons
Over 187°F	400,000
105°F to 187°F	200,000
Below 105°F	100,000

(d) 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. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(e) Noise. At the points of measurement specified in section 12.12-3(b)2, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and

associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., New York, N.Y. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y. shall be used.)

Table I

Frequency Containing Standard Octave Bands In Cycles Per Second	Octave Band Sound Pressure Level in Decibels Re 0.0002 dyne/cm
20 - 75	65
75 - 150	55
150 - 300	50
300 - 600	45
600 - 1200	40
1200 - 2400	40
Above 2400	35

If the noise is not smooth and continuous and is not radiated between the hours of 10 p.m. and 7 a.m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

Table II

Type of Location of Operation or Character of Noise	Correction in Decibels
1. Daytime operation only	5
2. Noise source operates less than	*
a. 20% of any one-hour period	5
b. 5% of any one-hour period	10
3. Noise of impulsive character (hammering, etc.)	-5
4. Noise of periodic character (hum, screech, etc.)	-5
5. Property is located in any M-District and is not within 200 feet of any R-District	10

*Apply one of these corrections only.

(f) Odors. Except in the A-1, A-2 and A-4 Districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 129 of the Wisconsin Administrative Code and amendments thereto. (8/6/02)

(g) Erodible land regulations. In addition to any other applicable use, site or sanitary regulation, the following organic and sandy soils listed below and any other soils having an erosion factor of three shall not be used for crop production or grazing unless such lands make use of contour cropping practices or strip cropping practices or crop terraces.

133 - BmB, BmC2	416 - Ry
316 - BmB, BmC2	417 - CrD2, CrE
359 - MxD2	419 - SfB
414 - BmB, BmC2	451 - Ht

(h) Soil capability regulations. In addition to any other applicable use, site, or sanitary regulation, the following restrictions or regulations shall apply to the following soils as shown on the Operational Soil Survey Maps prepared by the USDA Natural Resources Conservation Service for the Southeastern Wisconsin Regional Planning Commission and which are on file with the Department of Planning and Development;

Because of their erodibility and very low agricultural capabilities, tillage is permitted on the following rough, broken, sandy, stony or escarpment soils only when conducted in accordance with sound soil conservation practices and after review by the Natural Resources Conservation Service:

75 - CcB, CrC, CrD2, CrE	417 - CrD2, CrE
282 - CeB, CrC, CrD2, CrE	419 - SfB
416 - Ry	

Farm drainage systems may be installed on the following soils, which soils are subject to a flooding hazard and which have generally unsuitable soil characteristics for an operative drainage system, only if installed in accordance with sound soil conservation practices and after review by the Natural Resources Conservation Service:

4 - Mf	11 - Am
5W - Sg	11W - Ww
7 - Dh	54 - Lp
10 - Am	419 - SfB
10W - Ww	452 - Ac

Because of very severe limitations for pasturing, grazing is permitted on the following soils when conducted in accordance with sound soil conservation practices and after review by the Natural Resources Conservation Service:

4 - Mf	419 - SfB
416 - Ry	462 - Ht

(i) Steep land regulations. In addition to any other applicable use, site, shoreland, or sanitary regulation, the following restrictions and regulations shall apply to all lands having slopes of twelve (12) per cent or greater (see illustration #1) as shown on the Operational Soil Survey Maps prepared by the USDA Natural Resources Conservation Service in cooperation with the Southeastern Wisconsin Regional Planning Commission and which are on file with the Department of Planning and Development:

1 Tillage and grazing of lands with slopes of 12% or greater shall be permitted only if such tilling and grazing make use of contour cropping practices, strip cropping practices or cropping terraces. Spreading the manure or fertilizer on frozen ground and

establishment of feed lots shall be prohibited when such practice would cause direct run off of pollutants into a drainage way or water course.

2 Tree cutting and shrubbery clearing for the purpose of changing land use from wildlife or wood lot management on lands with slopes of 12% or greater shall be conducted so as to minimize erosion and sedimentation and promote the preservation of scenic beauty.

(j) Vibrations. No activity in any district except the M-1, M-2 and M-3 districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1, M-2 or M-3 districts shall emit vibrations which exceed the following displacement measured with a 3-component measuring system:

Frequency (Cycles Per Second)	Displacement (Inches)	
	Outside the Premises	Outside The District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

(k) Water quality protection.

1 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 would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

2 In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code and amendments thereto for all navigable waters in the County.

(l) Floodproofing. Where floodproofing by means of elevating on fill is deemed inappropriate or impractical, and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following: (2/6/90)

1 Floodproofing measures shall be designed to:

a Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and

b Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and

c Provide anchorage of structures to foundations to resist flotation and lateral movement; and

d Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.

e Minimize or eliminate discharges into flood waters.

2 No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood for the particular area and submits a FEMA Floodproofing Certificate.

3 Floodproofing measures may include, but are not limited to: (8/6/02)

a Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

b Addition of mass or weight to structures to prevent floatation;

c Placement of essential utilities above the flood protection elevation;

d Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;

e Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems;

f Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and/or

g The construction of permanent watertight bulkheads, erection of permanent watertight shutters and doors, and installation of wire reinforced glass or glass block for windows.

4 For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that is certified by a registered professional engineer and meets or exceeds the following standards:

a 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; and

b The bottom of all openings shall be no higher than one foot above grade; and

c Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and

d Submits a FEMA Floodproofing Certificate

G. TRAFFIC, PARKING AND ACCESS

12.13-1 TRAFFIC VISIBILITY (Vision Triangle)

(a) No obstructions, such as structures, fences, parking or vegetation shall be permitted in any business, manufacturing or institutional district between the heights of two (2) feet and ten (10) feet above the plane through the centerline of the road within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from ~~their intersection.~~the road right-of-way (See illustration No. 2).

(b) In the case of any federal, state or county highway or town road intersection with any other federal, state or county highway or town road or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

~~12.13-2 LOADING REQUIREMENTS~~

~~(a) In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public right-of-ways and so that all vehicles need not back onto any public right-of-ways.~~

~~(b) On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.~~

~~1 Businesses: One (1) space of at least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.~~

~~2 Wholesale and Industrial: One (1) space of at least 10x50 feet for each 10,000 square feet of floor area or part thereof.~~

~~3 Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.~~

12.13-2 OFF-STREET LOADING STANDARD

(a) Purpose: The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

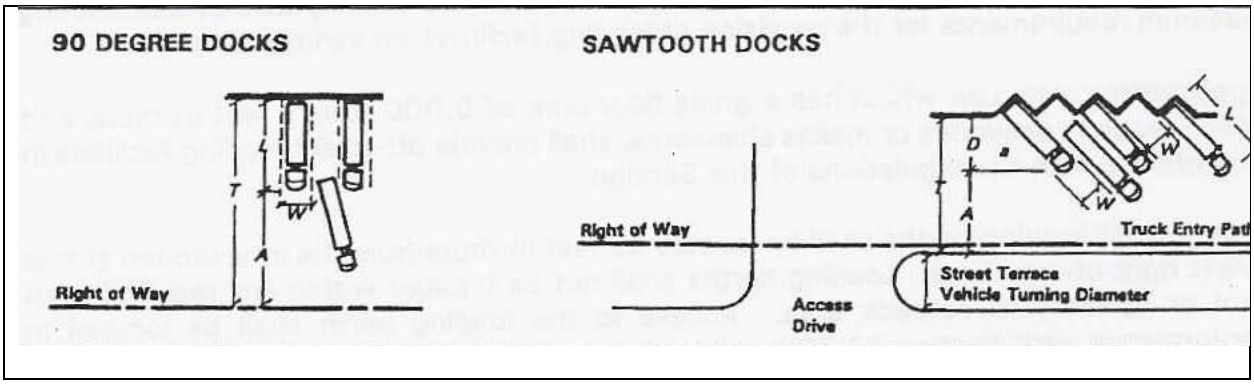
(b) Applicability: Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.

(c) Location: ~~All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines.~~ Loading berths shall not ~~be located within any required front yard or street yard setback areato~~ face upon any public right-of-way without approval by the Department of Planning and Development. If approval is obtained, a 20-foot landscape buffer shall be required. Access to the loading berth shall be located in conformance with the table below. All loading areas shall be located on private lands and shall not be located within, or so as to interfere with, any public right-of-way.

~~(c)~~(d) Size of Loading Area: ~~The first required loading berth shall be designed in accordance with the table below. All remaining required loading berths shall be a minimum of 25 feet in length.~~ All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

Loading Standards						
Design Vehicle	Length in Feet (L)	Dock Angle (α)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (T)
WB-40	50	90°	50	10	63	113
				12	63	113
				14	63	113
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
		90°	55	10	77	132
				12	77	132
				14	77	132

WB-50	55	60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76



~~(d)~~(e) Access to Loading Area: Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public right-of-way.

(f) Surfacing and Marking: All required loading areas shall be paved and maintained in a dust free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.

(g) Use of Required Loading Areas: The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

(h) Lighting: All loading areas shall be lit so as to ~~not exceed the~~comply with ~~standards of~~ Section ~~17.502~~12.12-4(~~da~~m) ~~of this Chapter~~ Exterior Lighting Standards.

(i) Signage: All signage located within, or related to, loading areas shall comply with the requirements of ~~Subchapter 17-7~~ Section 12.14 Signs and the requirements of Section 12.08-2 Site Plan Review.~~.~~

(j) Screening: All loading areas shall be screened from public view by use of architectural walls, fences, berms, and/or landscaping. The method of screening shall be reviewed and approved by the Kenosha County Department of Planning and ~~Zoning~~Development.

(k) Depiction on Required Site Plan: Any and all required loading areas proposed to be located on the property being developed or redeveloped shall be depicted as to their location and configuration on the site plan required for the development of the property.

(l) Loading Requirements:

1 In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public rights-of-way and so that all vehicles need not back onto any public rights-of-way.

2 On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

a Businesses: One (1) space of at least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.

b Wholesale and Industrial: One (1) space of at least 10x50 feet for each 10,000 square feet of floor area or part thereof.

c Bus and Truck Terminals: –Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

~~(12) Calculation of Required Loading Spaces~~

~~(a) Indoor Institutional Land Uses: One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.~~

~~(b) Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses: One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.~~

~~(c) Office Land Uses: One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.~~

~~12.13-2a DIMENSIONS OF PARKING~~

~~Widths for parking rows, aisles, and modules shall be provided at widths no less than listed in the table below: see diagram~~

ANGLE (@)	90 DEGREES	75 DEGREES	60 DEGREES	45 DEGREES	30 DEGREES
STALL WIDTH (SW)	10	10	10	10	10
STALL WIDTH PARALLEL (WP)	10	10.35	11.55	14.14	20
STALL DEPTH INSIDE (DI)	20	19.31	17.32	14.14	17.32
STALL DEPTH OUTSIDE (DO)	20	21.9	22.32	21.21	23.66
STALL LENGTH INSIDE (SLI)	20	20	20	20	20
STALL LENGTH OUTSIDE (SLO)	20	22.68	25.77	30	27.32
AISLE WIDTH (ONE WAY)	24	20	18	15	12
AISLE WIDTH (TWO WAY)	24	2~~2~~4	2~~2~~4	NONE	NONE
TOTAL PARKING WIDTH (ONE WAY)	64	63.8	62.64	57.42	29.32
TOTAL PARKING WIDTH (TWO WAY)	64	65.8	66.64	NONE	NONE

12.13-3 PARKING REQUIREMENTS (8/6/02)

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

~~Handicap Parking Requirements~~

~~In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in Sections 101.13, 346.503 and 346.56 of the State of Wisconsin Statutes and any~~

~~Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and are made applicable to all parking facililitesfacilities whenever constructed.~~

(a) Number of Off-Street Parking Stalls

Residential Uses			
Single-Family dwellings including manufactured and mobile homes	2 spaces per dwelling		
Two-Family Dwellings	4 spaces for each bldg.		
Multiple-Family Dwellings	2 spaces for one and two-bedroom units; 2.5 spaces for three or more bedroom units; plus one space for every eight units for guest parking		
Assisted Living Arrangements/Community Based Residential Facilities	1 space for each six patient beds, plus 1 space for each employee on the largest shift, plus 1 space per staff member and visiting doctor		
Commercial Uses	**1 SPACE/SQ. FT.**	**SPACE/EMPLOYEE**	**SPECIAL CRITERIA**
Automatic Teller Machine			2 per Machine
Auto Part Store	400	Largest Work Shift	
Automotive body repair or service	250	Full Time Employee	2 per Service Bay
Automobile Sales or rental, farm equipment sales or service	100		1 per 500 Outdoor Display Area
Bank/Financial Institutions	300		6 Stacking/Drive-up

Brewpub/ Tavern /Coffee Shop	100	Largest Work Shift (2)	
Barber/beauty shop		Full Time Employee (2)	1 per Chair
Bed and breakfast		2/owner or operator	1 per bedroom rented
Bookstore	300	Full Time Employee	
Car Wash (self-service)		2 per bay	2 Stacking for each bay
Car Wash (automatic)		1 per bay	5 Stacking Before & 2 Stacking After each bay
Contractors Yard	1,000		1 Per Company Vehicle
Convenience Store	200		
Day Care Center		Largest Work Shift	1 For Every Six Children & 15' Safety Zone
Physical Fitness Facilities	100	Largest Work Shift	
Funeral Home	500		
Garden Centers, including Greenhouse or Nursery	200	Largest Work Shift (3)	2 For Each 3 Employees
Gas Station/No Store		Largest Work Shift	No Less Than 3
Gas Station/Store	200	Largest Work Shift	
Gas Station/Store & Restaurant	150	Largest Work Shift	8 Stacking
Greenhouse or Nursery	150		1 per 500 outside sales & display area
Grocery/Retail Store	200 (<50,000) 250 (50,000–100,000) 300 (>100,000)		
Hotel/Motel		Largest Work Shift (3)	1 per Guest Room
Medical, dental, and other professional health service offices	250		
Night Club	400		

Professional Offices	400		
Restaurant, Standard	100	Largest Work Shift	1 per 3 Seats at Max Capacity
Restaurant, Drive-in or Fast Food	50	Largest Work Shift	8 Stacking & No < 50 For Drive-in
Restaurant, Pick-up/Takeout	50	Largest Work Shift	No Fewer than 8 Spaces
Self-Storage/Mini-warehouse		Full Time Employee	1 per 10 Storage Units
Department Stores/Shopping Centers	200 (<50,000) 250 (50,000-1,000,000) 300 (>1,000,000)		
Veterinary Clinic		Full Time Employee	4 Per Doctor
Zoo/Botanical Gardens	2,000 lot area		
Industrial Uses	SPACE/SQ. FT.	SPACE/EMPLOYEE	SPECIAL CRITERIA
Contractors Yard	1,000		1 per Fleet Vehicle
Manufacturing		Largest Work Shift	Plus 5
Warehousing/Distribution Center	2,000	Full Time Employee (2)	
Institutional Uses	**SPACE/SQ. FT.**	**SPACE/EMPLOYEE**	**SPECIAL CRITERIA**
Administrative Government Center	300		
Cemetery		Full Time Employee	
Colleges & High Schools		Largest Work Shift	1 per 5 Students
Elementary & Junior High Schools		Largest Work Shift	1 per 2 Classrooms
Hospitals/Nursing Homes		Largest Work Shift	1 per Bed & 1 per 5 Outpatients
Libraries, Museums and gallery	400		

Sororities/Dorms /Boarding House			1 per Bed
Worship Facility		Largest Work Shift	1 per Every 4 Seats
Recreation and Entertainment	**SPACE/SQ. FT.**	**SPACE/EMPLOYEE**	**SPECIAL CRITERIA**
Amusement Center, arcades, aquariums, banquet halls, exhibition halls			1 space per 3 persons at maximum capacity
Athletic Field			10 per Field
Bowling Alley		Full Time Employee	5 per Bowling Lane
Golf Course		Largest Work Shift (2)	3 per Hole
Golf Driving Range			2 per Tee
Indoor Shooting Range		Full Time Employee	1 per Shooting Lane
Marina			1.5 per Boat Slip
Miniature Golf Course		Largest Work Shift	1 per Hole
Park/Recreation Areas/Community Centers		Full Time Employee (2)	TBD by P & D
Skating Rinks/Swimming Pools		Full Time Employee (2)	1 per 3 Persons Based on Maximum Capacity
Uses Not Listed			Provisions for a Similar Use Shall Apply as approved by P&D

~~(a) Residential Uses~~

~~1 Single-family dwellings including manufactured and mobile homes~~

~~2 stalls for each dwelling, including garage space.~~

~~2 Two-family dwellings~~

4 spaces for each building, including garage space.

3 Multiple family dwellings

2 spaces for one and two bedroom units, including garage space; 2.5 spaces for three or more bedroom units, including garage space; plus one space for every eight units for guest parking

9 Assisted Living Arrangements/Community Based Residential Facilities

1 space for each six patient beds, plus 1 space for each employee on the largest shift, plus 1 space per staff member and visiting doctor

5. Elderly Housing

1 space for every two bedrooms

NOTE: Floor Area does not include area primarily devoted for storage.

(b) Commercial Uses

1 Art gallery

1 spaces for each 250 square feet of floor area

2 Automatic teller machine

2 spaces for each machine

3 Auto body shop

1 space for each service bay and mechanic

4 Auto part store

1 space for each 4500 square feet of leasable floor area, plus 1 space for each employee on the largest work shift

4 Auto repair and service

1 space for each 250 square feet of floor area, plus 1 space for each full-time employee

6 Automobile sales

~~1 designated customer space for each 600 square feet of enclosed floor area, plus 1 space for each 2,000 square feet of outside display area~~

~~1 Banks and other financial institutions~~

~~1 space for each 250 300 square feet of usable floor area, plus 6 stacking spaces for each drive-up window~~

~~2 Banquet halls and other public assembly halls~~

~~1 space for each 50 square feet of the halls floor area~~

~~3 Bars, coffee shops, restaurants, clubs, lounges, and places of entertainment~~

~~1 space for each 100 square feet of floor area, plus 1 space for each two employees on the largest work shift~~

~~4 Barber or beauty shop~~

~~1 space for each chair, plus 1 space for each two employees~~

~~5 Bed and breakfast establishment~~

~~1 space for each sleeping room, plus 1 space for each permanent resident~~

~~6 Bookstore~~

~~1 space for each 300 square feet of gross floor area, plus 1 space for each employee~~

~~7 Bowling alley~~

~~3 spaces for each alley, plus 1 space for each employee~~

~~8 Car wash (self-service)~~

~~1 parking space, 1 drying space, plus 2 stacking spaces for each wash bay~~

~~15 Car wash (automatic)~~

~~1 parking space, 5 stacking spaces before and 2 stacking spaces after for each wash bay~~

~~16 Convenience store~~

~~1 space for each 200 square feet of gross floor area~~

~~17 Day care center~~

~~1 space for each caregiver on the largest work shift, plus 1 space for every six children, plus a paced, unobstructed pick-up space with adequate stacking area, plus a safety~~

~~zone of 15 feet in width between parking spaces and the front of the building entrance~~

~~17a Drive-through Facilities~~

~~Four (4) stacking spaces per drive-through service lane for a financial institution; eight (8) spaces per drive-through service lane for a drive-through restaurant; seven (7) spaces per drive-through service lane for a full-service car wash; and two (2) spaces per service bay for a self-service car wash. Drive-through facility parking requirements for uses not listed shall be determined by demonstrated need.~~

~~17b Fitness Center~~

~~One (1) spade space per 100 square feet of gross floor area, plus 1 space per employee for the work shift with the greatest number of employees.~~

~~18 Funeral home~~

~~1 space for each 500 square feet of gross floor area~~

~~19 Gas station without a convenience store~~

~~1 space for each employee on the largest work shift (no less than 3)~~

~~**20 Gas station with a convenience store**~~

~~1 space for each 200 square feet of gross floor area, plus 1 space per employee on the largest work shift~~

~~**1 Gas station with a convenience store and a fast food restaurant**~~

~~1 space for each 150 square feet of gross floor area, plus 1 space for each employee on the largest work shift and 8 stacking spaces for each drive-thru lane~~

~~**21 Greenhouse or nursery**~~

~~1 space for each 200 square feet of gross floor area of salesroom~~

~~2 spaces for each three employees on the largest work shift, plus~~

~~23 Grocery or other retail stores~~

~~*1 space for each 200 square feet of leasable area*~~

~~less than 50,000 square feet – 1 space for each 200 square feet of floor area;~~

~~50,000-100,000 square feet – 1 space for each 250 square feet of floor area;~~

~~100,000-400,000 square feet – 1 space for each 300 square feet of floor area;~~

~~greater than 400,000 square feet – 1 space for each 300 square feet of floor area;~~

~~**24 Health club**~~

~~1 space for each 50 square feet of floor area~~

~~25 Hotels, motels~~

~~1 space for each guest room plus 1 space for each three employees on the largest work shift~~

~~**1 Medical and dental offices**~~

~~5 spaces for every doctor, plus 1 space for each employee on the largest work shift~~

~~**27 Movie theaters**~~

~~1 space for each 100 square feet of floor area, plus 1 stall for every two employees on the largest work shift~~

~~**1 Night club**~~

~~1 space for each 400 square feet of floor area~~

~~**28 Professional offices**~~

~~1 space for each 400 square feet of floor area~~

~~29a Restaurant, Standard~~

~~One (1) space per 100 square feet of gross floor area, or one (1) per three (3) seats at maximum capacity, whichever is greater, plus one (1) space per employee for the work shift with the largest number of employees.~~

~~29b Restaurant, Drive-in or fast-food~~

~~One (1) space per 50 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees and 8 stacking spaces for each drive-thru. No fewer than 50 parking spaces shall be provided at a drive-in restaurant.~~

~~29c Restaurants, Pick-up~~

~~Restaurants with little or no seating capacity, such as a takeout sandwich shop or pizza parlor, shall provide one (1) space per 50 square feet of service floor area, plus one (1) space per employee for the work shift with the largest number of employees. No fewer than eight (8) parking spaces shall be provided at a pick-up restaurant.~~

~~**2 Self-storage facility (mini-warehouse)**~~

~~1 space for each ten storage units, plus 1 space for each employee~~

~~**30a Shopping Centers (gross leasable area of 50,000 sq ft or more)**~~

~~**6 spaces per 1,00 square feet of gross leasable area**~~

~~**less than 50,000 square feet – 1 space for each 200 square feet of floor area**~~

~~50,000-1,000,000 square feet – 1 space for each 250 square feet of floor area~~

~~greater than 1,000,000 square feet – 1 space for each 300 square feet of floor area~~

~~**29 Veterinarian**~~

~~4 spaces for every doctor, plus 1 space for every additional employee~~

~~**3 Zoo**~~

~~1 space for each 2,000 square feet of lot area~~

~~Industrial Uses~~

~~1 Manufacturing~~

~~5 spaces, plus 1 space for each employee on the largest work shift~~

~~2 Warehousing/distribution center~~

~~1 space for every two employees on the largest work shift with a minimum of 1 space for each 2,000 square feet of floor area~~

~~Contractors Yard~~

~~1 space for each facility vehicle, plus 1 for each 1,000 square feet of floor area~~

~~Institutional Uses~~

~~1 Cemetery~~

~~1 space for each full-time employee~~

~~2 Church or synagogue~~

~~1 stall for every four seats~~

~~3 Colleges and high schools~~

~~1 space for every teacher, staff member and aid on the largest work shift, plus 1 space for every 5 students~~

~~4 Elementary and junior high schools~~

~~1 space for every teacher, staff member and aid on the largest work shift, plus 1 space for each two classrooms~~

~~5 Governmental offices~~

~~1 stall for every 300 square feet of floor area~~

~~6 Hospitals and nursing homes~~

~~1 space for every three beds, plus 1 space for every five outpatients, plus 1 space for each employee on the largest work shift~~

~~7 Libraries and museums~~

~~1 space for every 400 square feet of floor area~~

~~8 Sororities, dormitories, lodging and boarding houses~~

~~1 stall for each bed~~

~~(e) Recreational Uses~~

~~1 Amusement center~~

~~1 space for each 150 square feet of gross floor area, building or ground area devoted to each use, or 1 space for each four seats of facilities available for patron use, whichever is needed for the facility~~

~~2 Athletic field~~

~~10 spaces for each field~~

~~3 Golf course~~

~~3 spaces for each golf hole, plus 1 space for each two employees on the largest work shift~~

~~**4 Golf driving range**~~

~~2 spaces for every tee~~

~~**5 Marina**~~

~~1.5 spaces per boat slip~~

~~**6 Miniature golf course**~~

~~1 space per hole, plus 1 space per employee on the largest work shift~~

~~7 Park, recreation areas and community centers~~

~~1 space for every two employees, plus spaces in adequate number as determined by the Department of Planning and Development~~

~~8 Skating rinks and swimming pools~~

~~1 space for every three persons, based on the maximum number of persons that can be accommodated at the same time in accordance with design capacity and fire regulations, plus 1 space for every two employees~~

(b) Handicap Parking Requirements

In addition to any other requirements relating to parking spaces contained in this Ordinance, 346.503 of the State of Wisconsin-Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and are made applicable to all parking facilities whenever constructed.

(c) Uses Not Listed

In the case of structures or uses not ~~mentioned~~listed, the provisions for a use which is similar shall apply as determined by Planning & Development.

(d) Adjustments to Number of Required Parking

In all commercial, institutional, residential, and industrial districts, the minimum number of required parking spaces may be adjusted by the Department of Planning & Development on a case-by-case basis. The petition~~er~~ for such ~~an~~ adjustment shall show that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

~~:~~

1 Evidence, such as peak versus off-peak demand, ~~that actual parking demands~~those actual parking demands will be less than the ordinance requirements. The petitioner shall submit written documentation that the operation will require less parking than the ordinance requires.

2 Availability of shared parking

The petitioner shall submit written documentation that shared parking spaces are available ~~-~~to satisfy the parking demand on either the same or an adjacent parcel.

a Shared parking agreements shall provide evidence that either parking lots are large enough to accommodate multiple users or that parking spaces will be shared at certain times of the day (i.e. a church uses parking on Sundays, when other businesses are closed).

3 Space set aside for reduced parking

The site plan for proposed use shall be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this ordinance. The open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this ordinance along with all related open space requirements, stormwater management standards, and any other code regulation or adopted standards.

4 Changes in occupancy or use

When the use of a building, structure, or land is changed to another use or occupant that requires more parking spaces than required for the use existing immediately prior to such change, additional parking spaces shall be constructed for the new use or occupant in the amount necessary to conform to this ordinance.

5 Changes in intensity of use

When the intensity of use of a building, structure or land is increased by an addition of employees, gross floor area, seating capacity, or other unit of measurement, additional parking spaces shall be constructed for such additions in the amount necessary to conform to this ordinance.

(e) Combinations of uses

Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

(f) Interconnecting Parking Lots

Interconnecting parking lots may be required to promote safe and controlled access points.~~, –~~All required setbacks shall apply. The connecting aisles shall have a maximum width of 24 feet. A cross access easement agreement, including a legal description, specific use and maintenance responsibilities, shall be approved by the Department of Planning & Development and recorded in the Register of Deeds Office.

(g) Adequate Access

Adequate access to a public or private roadway shall be provided for each parking space. Driveways for all single-family and two family residential uses shall be a minimum of 10 feet in width and not exceed 24 feet at the property line. For all other properties, vehicular ingress and egress shall not exceed 35 feet in width at the property line.

(h) Size

The minimum area ~~size~~ of each parking space shall be 10 feet wide by 20 feet long, exclusive of the area required for ingress and egress. Parking space ~~The w~~width shall exclude the curb~~s~~ ~~any~~ gutter width ~~flange~~. Parking space l~~. The l~~ength can include~~s~~ the curb gutter width ~~gutter flange~~up to the curb face.

(i) Location

The location of each parking space shall be on the same lot or parcel as the principal use, and all parking lots shall have the same zoning district as the principal use. ~~Parking spaces and driveways shall be a minimum of 20 feet from the established highway right-of-way and a minimum of 10 feet from all rear and side lot lines. Curbs or barriers shall be installed so as to prevent vehicles from extending beyond designated parking or driving areas~~.

~~1~~(j) ~~Offset~~Setback

Except for a single-family or two-family residence, parking spaces and driveways shall be a minimum of 20 feet from the established highway right-of-way, ~~and~~ a minimum of 10 feet from all rear and side lot lines and a minimum of 75 feet from the Ordinary High Water Mark of a navigable water body. ~~In any off-street parking area, other than that provided for a single-family or two-family residence, which~~ When ~~abutsing~~abutting a residential district or a planned residential district (based on a Town's adopted Land Use Plan), ~~no vehicle shall be allowed to travel on a~~ driveways or parking lots shall be a minimum of ~~closer than~~ 20 feet to the ~~abutting residential use~~ property line.

(k) Surfacing

All off-street parking areas for more than five vehicles shall be graded and surfaced ~~so as to be dust free~~with ~~(~~asphalt or concrete~~)~~ and properly drained. ~~Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.~~

(l) Markings

Any parking area for more than five (5) vehicles shall have the aisles and spaces identified by surface markings ~~ans~~and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. Marking ~~required to~~shall be maintained in a highly visible condition including striping, directional arrows, lettering on signs and in handicapped-designated areas.

(m) Curbs or Barriers

Curbs or barriers shall be installed so as to prevent vehicles from extending beyond the parking setback requirements. Landscaped islands and planting strips shall be required to be curbed.

~~(a)~~(n) Aisle widths

The aisle width within parking lots shall be a minimum of 24 feet between the ends of ~~the~~ parking spaces, except ~~as provided in 12.13-2a.~~for one-way aisles which shall be 18 feet for 60° spaces.

(o) Screening from abutting residential uses

Those parking areas for five (5) or more vehicles if, ~~adjoining~~ abutting a residential use,~~,~~ shall be screened from such use by a solid wall, fence, berm, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of four feet at the time of planting or installation.

(p) Landscaping

Those requirements as described in Section 12.11-8 and 12.11-9 of this ordinance shall apply.

(q) Lighting

Lighting fixtures shall be provided in all parking areas and ~~shall be shielded or directed in such a manner so as to prevent light from shining directly onto abutting rights-of-way and adjacent properties. (cut-off type luminaries only)~~

driveways, except for single-family and two-family residential districts and then according to the requirements as set forth in Section 12.12-4 (m~~DA~~) Exterior Lighting ~~Requirements~~Standards. A photometric plan of all parking areas and driveways shall be submitted to ~~the Department of~~ Planning and Development for review and approval.

(r) ~~(p) Semi-trailers~~ Vehicle Parking and/or Storage in a Residential District

~~Semi-trucks, trailers and cabs, specialized construction equipment and vehicles such as, but not limited to backhoes, bulldozers, dump trucks, and mobile homes shall not be permitted to be parked in residential zoning districts.~~

~~Except within permitted transshipment depots, no trailer shall be used for continuous outdoor storage. Continuous outdoor storage shall be the use of a trailer for the storage of a product to be sold for more than 30 days in a 365-day period. (6/2/92)~~

1 Semi-truck cabs shall not be parked and/or stored on a parcel in any residential district for more than a total of 4 days in a 30-day period. A day is counted if the semi-truck cab is parked and/or stored for any length of time within in a normal 24-hour day.

2 The following vehicles shall not be parked and/or stored on a parcel in any residential district:

a Semi-trailers, tow trucks, garbage trucks, septic waste trucks and aerial lift trucks.

b Dump trucks, flatbed trucks, box trucks, panel trucks, high cube vans, and step vans with licenses rated for a gross weight equal to or greater than 12,000 lbs.

c Specialized construction type equipment and vehicles such as, but not limited to backhoes, bulldozers, bobcats, skid loaders, and chippers.

~~1~~3 Exceptions

a One dump truck, flatbed truck, box truck, panel truck, high cube van, or step van with licenses rated for a gross weight less than 12,000 lbs.

b One local electrical power utility emergency response truck is permitted on a parcel with approval by the Department of Planning and Development.

~~Temporary Portable Storage Containers~~

~~A temporary portable storage container (such as, but not limited to, those available from PODS or U-Haul) is a purpose-built, fully enclosed, box-like container to provide residential property owners temporary storage space for home remodeling, relocating, fire and/or water damage; and cleaning out attics, basements, garages or other attached storage areas. A temporary portable storage container is not a storage shed, roll-off container, dumpster, cargo/shipping container or the trailer portion of a tractor-trailer.~~

~~Temporary portable storage containers shall only be permitted on lots with a principal building or structure.~~

~~Temporary portable storage containers shall not be used in conjunction with a home occupation or used as a principal use or principal building or structure.~~

~~All temporary portable storage containers shall display the container provider's contact information. Signs shall not contain any other advertising for any other product or services.~~

~~Temporary portable storage containers shall not be inhabited.~~

~~Containers may not be placed in any road right-of-way, vision triangle, sidewalk, and landscape or drainage easement.~~

~~Due to the temporary nature of temporary portable storage containers, location in a driveway or yard may be acceptable.~~

~~Temporary portable storage containers shall be permitted on a lot for a period not to exceed thirty (30) consecutive days within a six (6) month period. For extensive construction projects a written extension may be granted by the Zoning AdministratorPlanning & Development.~~

~~Maximum cumulative size of all temporary portable storage containers on a property may not exceed 130 square feet.~~

~~Portable storage containers may not exceed a height of 8½ 1/2 feet. The height of such structures is measured from the lowest ground level adjacent to the structure to the top of the structure. Stacking of conventional size (8' tall) containers is prohibited.~~

(s) ~~(q) Recreational Vehicles and Boats~~ Vehicle Parking and/or Storage in an Agricultural or Conservation District

~~No recreational vehicles or boats shall be parked in a front yard. No more than two recreational vehicles and or boats may be parked in the side or rear yard outside of an enclosed structure. This section shall also relate to boat trailers, snowmobiles and their trailers, minibikes or trail bikes and their trailers, unoccupied tent campers, travel trailers and mobile homes.~~

1 The following vehicles shall not be parked and/or stored on a parcel in any agricultural or conservation district:

a Tow trucks, garbage trucks, septic waste trucks and aerial lift trucks.

b Dump trucks, flatbed trucks, box trucks, panel trucks, high cube vans, and step vans with licenses rated for a gross weight equal to or greater than 12,000 lbs, except when they are engaged in the production, storage, trucking and/or transport of products grown on the property.

c Specialized construction type equipment and vehicles such as, but not limited to backhoes, bulldozers, bobcats, skid loaders, and chippers, except when they are engaged in the production, storage, trucking and/or transport of products grown on the property.~~.~~

2 The following vehicles may be parked and/or stored on a parcel in any agricultural or conservation district.

a One (1) semi-truck cab and one (1) related semi-trailer is permitted to be parked and/or stored on a~~n agricultural~~ parcel for every resident of the parcel who is engaged in the profession of over-the-road transport, with a maximum of two (2). Verification of residency and profession may be required by the Department of Planning and Development.

b Semi-truck cabs and related semi-trailer parking and/or storage are permitted on a~~n agricultural~~ parcel when they are engaged in the production, storage, trucking and/or transport of products grown on the property, with a maximum total of four (4)

c No semi-trailer shall be used for storage or parked for any reason for more than 30 days in a 365-day period, except as stated in ~~1~~a. and ~~2~~b. of this section.

~~a~~d One (1) local electrical power utility emergency response truck is permitted on a

parcel with approval by the Department of Planning and Development.

(t) ~~Private Residential Parking~~ Semi-Trailer Storage or Parking in a Business, Manufacturing, or Institutional District

~~Parking of cars, passenger vehicles or motorcycles accessory to a residential use is permitted only on a hard surfaces driveway or well drained gravel driveway, not on the grassy or lawn portions of the lot, leaving a permanent and definable area.~~

1 Semi-trailer storage or parking is permitted without exception only within permitted transshipment depots and trucking facilities.

2 No semi-trailer shall be used for storage or parked for any reason for more than 30 days in a 365-day period, except as stated in 1. of this section.

(u) Recreational Vehicle Parking

1 Recreational vehicles shall include but are not limited to the following: boats, jet skis, mini-bikes, trail bikes, off-road vehicles, motor homes, travel trailers, camping trailers, and boat, motor bike, snowmobile, or vehicle trailers.

2 Recreational vehicles are permitted in any district subject to the following:

a Parking and/or storage of recreational vehicles are permitted inside an enclosed accessory structure.

b Parking and/or storage of recreational vehicles shall not be permitted on any vacant lot.

c No more than two (2) recreational vehicles shall be parked and/or stored in the side or rear yard outside of an enclosed structure. No recreational vehicles shall be parked and/or stored in the street yard. Recreational vehicles stored outside of an enclosed structure shall be owned by the property owner or resident on whose property the vehicle is parked and/or stored, except for approved commercial storage facilities.

3 Recreational vehicles shall not be used as follows:

a As a dwelling unit or temporary housing at any time, including use during construction of a permanent dwelling.

b As an accessory structure for storage.

12.13-4 **DRIVEWAYS AND HIGHWAY ACCESS**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

(a) Openings for vehicular ingress and egress shall not exceed thirty (30) feet at the street line and thirty-five (35) feet at the roadway.

(b) Vehicle entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicle sales and service, car washes, service stations, garages, or public parking lots shall be not less than three hundred (300) feet from any pedestrian entrance or exit to a school, college,

university, church, hospital, park playground, library, or other place of public assembly.

(c) No direct public or private access shall be permitted to the existing or proposed rights-of-ways of freeways, interstate highways, and interchanges and their entrances or exit ramps nor within 500 feet of the most remote end of the taper of the entrances or exit ramp. (see illustration #3).

(d) No direct public or private access shall be permitted to any existing or proposed Federal, State Trunk, or County Trunk Highway within ~~100~~ 250 feet of its intersection with another street or highway right-of-way.

(e) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicle ingress or egress to the above specified streets or highways.

(f) Temporary access to the rights-of-way in section (c), (d) and (e) may be granted by the Board of Adjustments after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

H. SIGNS

INTENT AND PURPOSE

The purpose of this section is to provide for and regulate the type, construction, image, maintenance and placement of signs in a manner that will ensure that such signs are compatible with surrounding land uses, are aesthetic in design and structure, and express the identity of individual proprietors and the community as a whole. It is the further intent by these regulations to avoid depreciation of property values through indiscriminate location and design of signs, to lessen threats to public safety from poorly constructed and maintained signs to protect against hazards to vehicular traffic movement through improper placement of signs and to clarify the rights and duties of owners and users of nonconforming signs.

12.14-1 PERMIT REQUIRED

(a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except those signs permitted under Section 12.14-2 and 12.14-3, and further excepting the refacing of existing signs as defined in this Ordinance, without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, as hereinafter amended or recreated. The sign shall also meet all the structural requirements of local and state building codes.

(b) Before any sign for which a permit is required by this ordinance is erected, there shall be submitted to the Department of Planning and Development the written consent of the owner of the land upon which the sign is to be located that permission has been so granted, a scale drawing of the proposed sign indicating its location on the premises and its relationship to other structures and property lines, and a computation of the display area as defined in this ordinance.

(c) Back to back signs or V-shaped signs shall constitute but one sign within the meaning of this ordinance.

(d) All street sign setbacks shall be from the outer edge of the highway, street or road right-of-way.

(e) All side and rear setbacks shall be those of the district of which the sign is located.

12.14-2 SIGNS PROHIBITED

No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of any sign or any anchor, brace, or guide rod shall be erected, relocated, put up, or maintained so as to hinder or prevent ingress or egress from public or private driveways, parking lots or fire escapes or through a door, doorway, or window or so as to hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against a building by the fire department as necessity therefore may require. No sign shall be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public right-of-ways. (6/2/92)

(a) Any sign that creates a hazard or dangerous distraction to vehicle traffic or a nuisance to adjoining property.

(b) Any sign resembling, imitating or approximating the shape, size, form or color of railroad or traffic signs, signals or devices, or obstructing or interfering with the effectiveness of said devices.

(c) Any sign that moves or has moving, rotating or animated parts.

(d) Flashing Signs.
(e) Inflatable Signs.
(f) Any temporary, spring-action metal advertising sign used, for example, to advertise cigarette or gasoline prices.
(g) Any sign located within a vision triangle as defined by 12.13-1.
(h) Any sign installed or constructed within the right-of-way, except for official signs.
(i) Any sign containing statements, words or pictures classified as "obscene material" as defined by sec. 944.21 Wis. Stats or sec. 9.10.2 of the Kenosha County Code of ordinances.
(j) Roof Signs.
(k) Signs containing or comprised of bare bulbs.
(l) Any sign mounted on wheels, trailers, motor vehicles or any other nonpermanent structure parked within sight of a street for the purpose of advertising. This section does not apply to signs which are incidental to the identification of such motor vehicle.
(m) Any sign that produces sound, causes interference with radio, telephone, television or other communication transmissions; produces or reflects motion pictures or video; emits visible smoke, vapor, particles, or odor.
(n) Obsolete Signs.
(o) Signs which are deteriorated, dilapidated, structurally dangerous or unsafe, as determined by local building inspector.
(p) Off-premise Signs, except for Unified Business Center signs.
(q) Any sign exceeding 30 feet in height.

12.14-3 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A ZONING PERMIT

The following types of signs shall be permitted in all districts without a zoning permit, located on the premises upon the following conditions:

(a) **Agricultural District Signs**
Number: Limited to one (1) sign per highway frontage.
Area: Maximum of twenty (20) square feet per sign.
Height: Fifteen (15) feet.
Street Setback: Fifteen (15) feet
Lighting: Full cut-off top down directional.
Landscaping: None required
Lighting: None permitted.
Landscaping: None required

(b) **Blade and Suspended Signs**
Number: One (1) per business/tenant.
Area: Maximum of four (4) square feet.
Height: At least eight (8) feet above the public sidewalk or thoroughfare.
Lighting: Full cut-off; top down directional or internal.
Landscaping: None required.

(c) **~~Farm Identification~~Agricultural District Signs**
Number: Limited to one (1) sign per highway frontage.

Area: Maximum of twenty (20) square feet per sign.
Height: Fifteen (15) feet.
Street Setback: Fifteen (15) feet
Lighting: Full cut-off top down directional.
Landscaping: None required

~~Directional Signs~~
~~Number: No limit.~~
~~Area: Maximum of six (6) square feet per sign.~~
~~Height: Ten (10) feet.~~
~~Street Setback: Two (2) feet.~~
~~Lighting: None permitted~~
~~Landscaping: None required.~~

(d) **Flagpoles**

Number: Three (3) flagpoles per property in any non-residential district.
Area: No maximum
Height: Forty (40) feet.
Street Setback: Equal to the height of the flagpole.
Lighting: Shall be designed and shielded so as not to direct any light or produce glare onto any adjacent residential districts and shall also be so arranged so as to not adversely affect driver visibility with stray light or glare on adjacent rights-of-way.
Landscaping: None required.
~~Private Warning Signs~~
~~Number: No limit with fifty (50) feet between signs.~~
~~Area: Maximum of four (4) square feet.~~
~~Height: Eight (8) feet .~~
~~Street Setback: No setback.~~
~~Lighting: Full cut-off; top down directional or ground mounted directional.~~
~~Landscaping: None required.~~

~~Natural Resource Area Designation Signs~~
~~Number: No limit.~~
~~Area: Maximum of thirty-two (32) square feet.~~
~~Height: Five (5) feet.~~
~~Street Setback: Fifteen (15) feet.~~
~~Lighting: Full cut-off; top down directional or ground mounted directional.~~
~~Landscaping: None required.~~
~~*No natural resource area designation sign shall be permitted to be located within the C-1 Lowland Resource Conservancy District or within a delineated wetland.*~~

~~Official Signs~~
~~Such as traffic control, parking restrictions, bicycle routes, emergency, information and notices.~~
~~Such signs may be permitted within the road right-of-way.~~

(e) **On-Site Informational Signs**

Drawings showing the specific design, appearance and location of the sign(s) shall be submitted to the Department of Planning and Development for approval.
Number: No limit.
Area: Maximum of nine (9) square feet per sign.
Height: Five (5) feet.
Street Setback: Two (2) feet.
Lighting: Full cut-off; top down directional or internal.
Landscaping: None required.

(f) **~~Real Estate~~Temporary Signs**

~~Number: Limited to one (1) sign per highway frontage.~~
Area: Maximum of nine (9) square feet per side of sign, or if located on a county or state trunk highway shall not exceed thirty-two (32) square feet per side of sign, maximum sixty-four (64) square feet maximum for all sides.
Height: Five (5) feet, or if on a county or state trunk highway ten (10) feet.
Street Setback: Fifteen (15) feet.
Lighting: None permitted.
Landscaping: None required.
~~**Political Signs (temporary)**~~
~~Shall not be erected before the date of filing nomination papers for an elected office, and shall be removed within one (1) month after the election, provided any such sign is a least fifteen (15) feet from the outer edge of the highway, street or road right-of-way.~~

~~**Special Event Signs**~~
~~Shall be located at least fifteen (15) feet from the outer edge of the highway, street or road right-of-way and shall be located more than one-hundred (100) feet from any intersection.~~

(g) **Window Signs**
Provided not more than 50% of each window is covered by signs or graphics and is located on the inside of the window.

~~Temporary holiday decorations used to celebrate a single holiday or season, provided that no such decoration shall contain a commercial message of any type.~~

12.14-4 SIGNS PERMITTED IN ALL DISTRICTS WITH A PERMIT

Except as provided in section 12.14-2 and 12.14-3, the following signs shall be permitted in all districts with a permit:

~~**Home Occupation Signs**~~

~~Signs for home occupations permitted under section 12.09-1 and 12.09-2, provided:~~

~~Number: One (1).~~

~~Area: Maximum of four (4) square feet.~~

~~Height: Eight (8) feet.~~

~~Street Setback: Fifteen (15) feet.~~

~~Lighting: Full cut-off; top down directional or ground mounted directional.~~

~~Landscaping: None required~~

(a) **Temporary Development Signs**

A sign for the purpose of designating or promoting a new building, development, business/industrial park or subdivision may be permitted for a limited period of time with the approval of the Department of Planning and Development and subject to the following:

1) Drawings showing the specific design, appearance and location of the sign.
2) The sign shall be located in the development site. Such sign may be permitted for a period up to two (2) years, and extension may be permitted for a period not to exceed six (6) years total.

Number: Two (2).
Area: Fifty (50) square feet per side of sign.
Height: Fifteen (15) feet.
Street Setback: Fifteen (15) feet.
Lighting: Full cut-off; top down directional or ground mounted directional.
Landscaping: As contained elsewhere in this ordinance.

(b) **Permanent Development Signs**

A sign which is permanently located at entrances or along streets or highways which designates a development, business/industrial park or subdivision with the approval of the Department of Planning and Development and subject to the following:

1) Drawings showing the specific design, appearance and location of the sign.
2) Only the name of the development shall be permitted on the sign. The sign shall be located in the development site.

Number: One (1).
Area: One-hundred-fifty (150) square feet per side.
Height: Ten (10) feet.
Street Setback: Fifteen (15) feet. If located in an island boulevard the sign shall not be less than 15 feet from the back of the curb of the center boulevard island adjacent to the intersection, highway or street right-of-way and furthermore shall not be less than four (4) feet from the back of the curb of the boulevard island.
Lighting: Full cut-off; top down directional or ground mounted directional.
Landscaping: As contained elsewhere in this ordinance.

12.14-4.1 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

Except as provided in section 12.14-2 and 12.14-3, the following signs are permitted only in the residential districts with a permit and only on the premises and subject to the following regulations:

(a) **Freestanding Signs**

Signs for home occupations permitted under section 12.09-1 and 12.09-2, provided:
Number: One (1).
Area: Maximum of four (4) square feet.
Height: Eight (8) feet.
Street Setback: Fifteen (15) feet.
Lighting: Full cut-off; top down directional or ground mounted directional.
Landscaping: None required

12.14-5 SIGNS PERMITTED IN ALL BUSINESS, MANUFACTURING, INSTITUTIONAL, AND PARK-RECREATIONAL DISTRICTS

Except as provided in section 12.14-2 and 12.14-3, the following signs are permitted only in the business, manufacturing, institutional, and park recreation districts with a permit and only on the premises and subject to the following regulations:

(a) **Awning and Canopy Signs**

Number: One (1).

Area: Maximum of fifteen (15) percent per side of each face.
Height: At least eight (8) feet above the public sidewalk or thoroughfare.
Lighting: Full cut-off; top down directional or internal.
Landscaping: None required.

(b) **Menu Boards**

Drawings showing the specific design, appearance and location of the sign(s) shall be submitted to the Department of Planning and Development for approval.

Number: Subject to approval of Planning & Development
Area: Thirty-six (36) square feet per sign
Height: Eight (8) feet
Street Setback: Fifteen (15) feet
Lighting: Full cut-off; top down directional or internal
Landscaping: None required

(c) **Monument Signs**

Number: Limited to one (1) per street frontage or drive entrance, provided that no monument sign is located closer than a minimum of 300 feet to another monument sign on the same property.
Area: Eighty (80) square feet per side of sign, one-hundred sixty (160) square feet maximum for all sides.
Height: Ten (10) feet.

Street Setback: Five (5) feet.
Lighting: Full cut-off; top down directional, ground mounted directional or internal.
Landscaping: As contained elsewhere in this ordinance.

(d) **Freestanding Signs**

Number: Limited to one (1) per street frontage or drive entrance, provided that no freestanding sign is located closer than a minimum of 300 feet to another freestanding sign on the same property.
Area: One-hundred fifty (150) square feet per side of sign, three-hundred (300) square feet maximum for all sides, except for freestanding signs within an area between Interstate Highway 94 and a distance fifty (50) feet beyond the outermost right-of-way edge of the Frontage Road may be up to three-hundred (300) square feet per side of sign and six-hundred (600) square feet maximum for all sides.
Height: Twenty (20) feet, except for freestanding signs within an area between Interstate Highway 94 and a distance fifty (50) feet beyond the outermost right-of-way edge of the Frontage Road may be up to thirty (30) feet.
Street Setback: Fifteen (15) feet.
Lighting: Full cut-off; top down directional, ground mounted directional or internal.
Landscaping: As contained elsewhere in this ordinance.

Signs with exposed poles or posts shall be individually enclosed or covered.

(e) **Portable Signs**

Number: One (1).
Area: Thirty-two (32) square feet.
Height: Six (6) feet.
Street Setback: Fifteen (15) feet.
Lighting: Internal. No flashing or traveling lights.
Landscaping: None required.

(f) **Projecting Signs**

Number: One (1).
Area: One-hundred (100) per side.
Height: Twenty (20) feet above the mean centerline street grade and shall not be less than ten (10) feet above a sidewalk or other pedestrian way, nor fifteen (15) feet above a driveway or an alley.
Street Setback: Fifteen (15) feet.
Other Setback: Shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines.
Lighting: Full cut-off top down directional or internal.
Landscaping: None required.

(g) **Unified Business Center Sign**

Number: Limited to one (1) per street frontage and/or entrance. An additional Unified Business Center Sign is permitted per four hundred (400) feet of street frontage, with a maximum of two (2) signs permitted per street frontage.
Area: Three-hundred (300) square feet per side, six-hundred (600) square feet maximum for all sides.

Height: Thirty (30) feet.
Street Setback: Fifteen (15) feet.
Lighting: Full cut-off; top-down directional, ground-mounted directional or internal.
Landscaping: As contained elsewhere in this ordinance.

Signs with exposed poles or posts shall be individually enclosed or covered.

(h) **Wall Signs**

1 Single-Tenant Buildings

Number: One (1) per public entrance or wall/façade which fronts upon a public right-of-way or private drive.
Area: Limited to 1.5 times the length of the wall on which the sign is to be placed, up to a maximum of six-hundred (600) square feet.
Height: Twenty (20) feet in height above the mean centerline street grade.
Extension: Shall not extend more than twelve (12) inches outside of a building's wall surface.
Lighting: Full cut-off; top-down directional, or internal.
Landscaping: None required.

2 Multi-Tenant Buildings and Shopping Centers

Number: One (1) per tenant, plus each tenant may place one (1) wall sign per public entrance or wall/façade which fronts upon a public right-of-way or private drive and contained within the tenant's internal wall space or end cap wall area.
Area: Limited to 1.5 times the length of the wall on which the sign is to be placed, up to a maximum of six-hundred (600) square feet.
Height: Twenty (20) feet in height above the mean centerline street grade.
Extension: Shall not extend more than twelve (12) inches outside of a building's wall surface.
Lighting: Full cut-off; top-down directional or internal.
Landscaping: None required.

(i) **Search Lights**

The temporary use of search lights for advertising purposes may be permitted provided that the search light will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than 12 days in any six-month period.

12.14-6 SIGNS PERMITTED IN FLOODPLAIN OVERLAY DISTRICTS

Only freestanding signs shall be permitted within the FPO Floodplain Overlay District, subject to the regulations in 12.14-5(d).

12.14-7 EXISTING NONCONFORMING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued or refaced, as defined in this Ordinance, although the use, size, or location does not conform with the

provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 12.28-7 or 12.28-8 shall apply as applicable.

12.14-8 GENERAL SIGN CONSTRUCTION STANDARDS AND REQUIREMENTS

(a) ~~Changeable Copy~~Electronic Message Centers (EMCs)

A freestanding sign, monument sign or wall sign may contain ~~up to 25% of its total permitted display area~~an EMC, provided it does not display video. ~~as changeable copy, such as the display of time, temperature, date, graphics, weather or the advertising of products or services for sale on the premises. When changeable copy is displayed, each message shall remain on the sign for at least five (5) seconds and message changes shall be instantaneous as seen by the human eye and shall not contain such visual effects as fading, rolling, dissolving, scrolling, flashing or similar effects as part of the change.~~ All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

Any ~~automatic changeable copy sign~~EMC that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 24 hours by the owner or operator of such sign.

Area: Maximum of 66% of total permitted display area.
Brightness: Not to exceed 0.3 footcandles over ambient lighting conditions when measured as detailed in the International Sign Association's "Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMC's)", dated October 2013.
Message Hold Time: Maximum of 5 seconds.
Transition Duration: Maximum of 1 second.

(b) Wind Pressure and Dead Load Requirements

All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.

(c) Protection of the Public

The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.

(d) Maintenance

Except for non-conforming signs, the owner of any sign shall keep a sign in good maintenance and repair which includes restoring, repainting, or replacing a worn or damaged sign to its original condition. The owner of all conforming and non-conforming signs shall, however, maintain the premises on which the sign is erected in a clean, safe, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

(e) Supporting Members or Braces

All signs shall be constructed of galvanized iron, properly treated steel, copper, brass, or other noncorrosive incombustible material or properly treated and structurally sound wood. All signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such

noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction, and shall be maintained free from rust or other defects.

(f) Compliance with Electrical Codes
All electric signs shall comply with applicable local and state electrical codes.

(g) External Lighting
All external lighting of signs shall be designed and shielded so as not to direct any light or produce glare onto any adjacent residential districts and shall also be so arranged so as to not adversely affect driver visibility with stray light or glare on adjacent rights-of-ways.

(h) Landscape Requirements
All freestanding or monument signs shall meet the landscape requirements as contained elsewhere in this ordinance.

~~H. SIGNS~~

~~**12.14-1 PERMIT REQUIRED**~~

~~(a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except those signs permitted under Section 12.14-2, without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, and Chapter H19 of the Wisconsin Administrative Code as hereinafter amended or recreated. The sign shall also meet all the structural requirements of local and state building codes.~~

~~(b) Before any sign for which a permit is required by this ordinance is erected, there shall be submitted to the Department of Planning and Development the written consent of the owner of the land upon which the sign is to be located that permission has been so granted, a scale drawing of the proposed sign indicating its location on the premises and its relationship to other structures and property lines, and a computation of the display area as defined in this ordinance.~~

~~(c) Back to back signs shall constitute but one sign within the meaning of this ordinance.~~

~~**12.14-2 SIGNS PROHIBITED**~~

~~Hazards or nuisances: No sign which creates a hazard or dangerous distraction to vehicle traffic or a nuisance to adjoining property shall be permitted in any district. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices, nor obstruct or interfere with the effectiveness of said devices. Flashing signs and inflatable signs are hereby prohibited. For the purpose of this Ordinance, time and temperature devices, and changeable copy signs shall not be considered flashing signs. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of any sign or any anchor, brace, or guide rod shall be erected, relocated, put up, or maintained so as to hinder or prevent ingress or egress from public or private driveways, parking lots or fire escapes or through a door, doorway, or window or so as to hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against a building by the fire department as necessity therefore may require. No sign shall be placed so as to obstruct or interfere with traffic visibility~~

~~nor be lighted in such a way as to cause glare or impair driver visibility upon public right-of-ways. (6/2/92)~~

~~12.14-3 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A ZONING PERMIT~~

~~The following types of signs shall be permitted in all districts without a zoning permit upon the following conditions:~~

~~(a) Agricultural product and farm identification signs~~

~~Limited to two signs per highway frontage, not exceeding 20 square feet in area, and related to the agricultural premises on which it is installed. Farm signs shall be located not closer than 15 feet from a public right-of-way. (6/2/92)~~

~~(b) Bulletin Boards~~

~~Public, charitable or religious institution bulletin boards not to exceed 48 square feet in display area located on the premises. Setback requirements shall be enforced.~~

~~(c) Directional Signs~~

~~A sign not to exceed 12 square feet in area, for the purpose of directing persons to service clubs, churches, hospitals or schools or other non-profit organizations within the County may be permitted in any district. No setback is required.~~

~~(d) Home Occupation Signs~~

~~Signs for home occupations permitted under section 12.09-1 and 12.09-2, provided, however, that there shall be only one sign permitted on the parcel, being unlighted and limited to not more than 4 square feet.~~

~~(e) Name, Occupation and Warning Signs~~

~~Said signs are not to exceed four (4) square feet in display area located on the premises, and not closer than fifty (50) feet between signs. No setback is required.~~

~~(f) Official Signs~~

~~Such as traffic control, parking restrictions, information and notices. Such signs may be permitted within the road right-of-way.~~

~~(g) Real Estate Signs~~

~~Real estate signs not over nine (9) square feet in area and which signs pertain to the lease, hire or sale of land, building or part thereof upon which the sign is located provided there is no more than (1) sign for each street frontage and it is located at least fifteen (15) feet from the outer edge of the highway right-of-way.~~

~~(h) Political Posters (temporary)~~

~~Political signs, provided they are not erected before the date of filing nomination papers for an elected office, and are removed within one month after the election, provided any such sign is a least 15 feet from the outer edge of the highway right-of-way line and with respect to corner lots, is not located within the vision triangle.~~

~~(i) Special Event Signs~~

~~Temporary signs or banners for the purpose of advertising a festival or auction or bazaar or other special event providing any such sign is at least fifteen (15) feet from the outer edge of~~

~~the highway right-of-way and is located more than one hundred (100) feet from any intersection.~~

~~12.14-4 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS~~

~~Except as provided in section 12.14-2, the following signs shall be permitted in all residential districts with a permit:~~

~~(a) Real Estate Development Signs~~

~~Permanent real estate development signs~~

~~A sign which is permanently located at entrances or along streets or highways which designate a particular development and which only include the name of the development shall be permitted, however, all such signs shall be at least 15 feet from the outer edge of the highway or street right-of-way, and provided further that such signs shall be constructed and properly maintained so as to be aesthetically pleasing to the surrounding development. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Department of Planning and Development for approval and the permitted size and location of any such sign shall be at the discretion of the Director of Planning and Zoning based upon the character of the area, the type and purpose of sign and the length of time permitted.~~

~~(b) Temporary Development Signs~~

~~A sign for the purpose of designating a new building or development, for promotion of a subdivision or for similar special informational purpose may be permitted for a limited period of time in any district with the approval of the Department of Planning and Development and subject to the following:~~

~~1 Drawings showing the specific design, appearance and location of the sign shall be submitted to the Department of Planning and Development for approval.~~

~~2 The permitted size of the signs shall not exceed 50 square feet and shall be located in the development site. No more than two such signs shall be permitted.~~

~~3 Such sign may be permitted for a period up to two years, and extension may be permitted for a period not to exceed six years total.~~

~~4 All signs shall not be closer than 15 feet from the outer edge of the highway or street right-of-way.~~

~~12.14-5 SIGNS PERMITTED IN ALL BUSINESS, MANUFACTURING, INSTITUTIONAL, AND PARK RECREATIONAL DISTRICTS~~

~~Except as provided in section 12.14-2, the following signs are permitted only in the business, manufacturing, institutional, and park recreation districts with a permit and only on the premises and subject to the following regulations:~~

~~(a) Ground Signs~~

~~Ground signs shall be limited to one sign for each individual business premises which advertises the business names, services offered, or products sold on the premise; the signs shall not exceed thirty (30) feet in height, shall meet all side and rear yard requirements for the district in which it is located, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premise. The signs shall be at least 15 feet from the right-of-way of any highway, street or road.~~

~~Larger developments with multiple street frontages and multiple entrances may erect a ground sign at one or more of the entrances provided that no ground sign is located closer than~~

~~300 feet to another ground sign on the same property. All other area, height, and setback requirements for ground signs as set forth above shall be complied with. (6/2/92)~~

~~(b) Portable Signs~~

~~Portable signs as defined in this ordinance shall not be located in any vision triangle as defined in this ordinance and shall not incorporate any flashing or traveling lights. Such signs shall be at least 15 feet from highway right-of-way lines and shall not be illuminated in such a way as to obstruct highway visibility. Such signs shall not be more than 40 square feet in area.~~

~~(c) Projecting Signs~~

~~Projecting signs as defined in this ordinance fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one use; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade as defined in this ordinance; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley; and signs, furthermore, shall be at least 15 feet from the right-of-way of any highway or street.~~

~~(d) Tower Signs (1/20/04)~~

~~Tower signs are prohibited. A tower sign is defined as a freestanding sign that exceeds 30 feet in height.~~

~~(e) Wall Signs~~

~~Wall signs shall be permitted provided, however, that they are placed against the exterior walls of buildings and shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in display area for any one main structure, and shall not exceed twenty (20) feet in height above the mean centerline street grade as defined in this ordinance.~~

~~(f) Window Signs~~

~~Window signs shall be placed only on the inside of commercial buildings and shall not exceed sixty (60) percent of the glass area of the pane upon which the sign is displayed.~~

~~(g) Combination of Signs~~

~~The total of all signs, except window signs, erected or placed on any one premise shall not exceed 1200 square feet in total display area.~~

~~(h) Search Lights~~

~~will not be located in any public right-of-way, will not be located closer than ten feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than 12 days in any six-month period.~~

~~**12.14-6 SIGNS PERMITTED IN SHORELAND/FLOODPLAIN AREAS**~~

~~All signs in shoreland areas that are visible to stream or lake users at any time of the year shall not exceed 25 square feet in area on one side nor 50 square feet in area on all sides for any one premise; shall not exceed a height of 20 feet above the ordinary high water mark; shall not be located closer than 10 feet to any side lot lines; shall not be located closer than 75 feet to any shoreline; and, shall not be located closer than 15 feet to any highway right-of-way. (11/5/86)~~

~~12.14-7 CONSERVANCY DISTRICT SIGNS~~

~~No commercial advertising sign shall be permitted in the C-1 or C-2 Districts.~~

~~12.14-8 EXISTING SIGNS~~

~~Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 12.28-8 shall apply.~~

~~12.14-9 CONSTRUCTION AND MAINTENANCE OF SIGNS~~

~~(a) Wind Pressure and Dead Load Requirements~~

~~All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.~~

~~(b) Protection of the Public~~

~~The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.~~

~~(c) Maintenance~~

~~Except for non-conforming signs, the owner of any sign shall keep a sign in good maintenance and repair which includes restoring, repainting, or replacing a worn or damaged sign to its original condition. The owner of all conforming and non-conforming signs shall, however, maintain the premises on which the sign is erected in a clean, safe, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.~~

~~(d) Supporting Members or Braces~~

~~All signs shall be constructed of galvanized iron, properly treated steel, copper, brass, or other noncorrosive incombustible material or properly treated and structurally sound wood. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction, and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Department of Planning and Development determine that the safe and permanent support of such sign so requires, and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Department of Planning and Development. Small flat signs containing less than 10 feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Department of Planning and Development.~~

I. FENCES

12.15-1 PERMIT REQUIRED
No fence, except those fences provided for in section 12.15-2, shall hereinafter be located, directed, moved, reconstructed, extended enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code. The fence shall also meet all the structural requirements of local and State codes. All fences shall be constructed in a manner that the finished side of the fence faces the neighboring property. (6/2/92)

12.15-2 FENCES PERMITTED WITHOUT A ZONING PERMIT (8/6/02)
The following fences are permitted as specified without a zoning permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility:

(a) A snow fence shall be permitted in all districts when comprised of wooden pickets bound together by wire or molded plastic mesh and not exceeding four feet in height and removed between May 1 and November 1 of each year. No privately-owned snow fence shall extend beyond the highway right-of-way line.

(b) Fences to be installed around swimming pools shall be governed by the provisions of section 12.17-7.

(c) Agricultural fences in the A-1, A-2, A-3 and A-4 Districts shall be permitted provided that they do not extend beyond the highway or road right-of-way.

(d) Decorative fences not exceeding two feet in height shall be permitted in all districts.

(e) Wire strand fences for agricultural purposes may be constructed or placed within the required shore yard, 100-year floodplain and/or C-1 Lowland Resource Conservancy District

12.15-3 FENCES OR WALLS FOR WHICH A ZONING PERMIT IS REQUIRED (8/6/02)

(a) Residential fences or walls are permitted up to the side and rear property lines and not closer than two (2) feet to any public right-of-way in residential districts, but shall not be greater than six (6) feet in height in the side yard and rear yard, nor greater than four (4) feet in height in the street yard. Residential fences or walls may be six (6) feet in height in the rear street yard of a double frontage lot or in the side street yard of a corner lot not closer than fifteen (15) feet to the right of way of the side street yard. No fence or wall greater than two (2) feet in height shall be placed within the vision triangle. No fence or wall which incorporates barbed wire shall be permitted in a residential district. Residential fences may be constructed or placed within the required shore yard in any district ~~and/or within the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District~~ provided the fence is not more than 4 feet in height, is a split-rail or board type with minimum openings of at least 1 foot by 8 foot, and is at least 2 feet from the ordinary high water mark of any navigable waterway.

(b) Security fences or walls are permitted in all districts other than residential districts. Security fences or walls may be placed on side and rear property lines, but shall not be located closer than two (2) feet to a public right-of-way line. Security fences or walls shall not exceed ten (10) feet in height. No fence or walls greater than two (2) feet in height shall be placed within the

vision triangle. Security fences shall not be constructed or placed within the required shore yard in any district or within the 100-year recurrence interval floodplain. (6/2/92)

(c) No fence, except barbed wire or wire strand fences for agricultural purposes, shall be constructed or placed within the FPO Floodplain Overlay ~~District or FWO Camp Lake/Center Lake Floodway Overlay District~~.

J. PET AND ANIMAL REGULATIONS

12.16-1 TOWN RESPONSIBILITY

Restriction of the number and type of animals and pets permitted within a particular district shall be the responsibility of the local town boards.

K. SWIMMING POOLS

12.17-1 COMPLIANCE
It shall be unlawful to construct, install, enlarge, or alter any swimming pool as defined in the Ordinance, in the unincorporated areas of Kenosha County except in compliance with all of the provisions of this section.

12.17-2 DISTRICTS
Swimming pools may be installed in all districts except the C-1 Lowland Resource Conservancy District, FPO Floodplain Overlay District, ~~FWO Camp Lake/Center Lake Floodway Overlay District,~~ HO Historic Overlay District, or on any parcel on which an Adult Establishment is located. (3/16/04)

12.17-3 PERMIT REQUIRED
It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and accessories thereto within the unincorporated area of Kenosha County unless permits therefore shall have first been obtained from the Department of Planning and Development.

12.17-4 APPLICATION
All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Department of Planning and Development for examination and approval as to proper location and construction.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the pool, walk, deck, fence construction, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool.

All private residential swimming pools and accessories thereto, water supply and drainage systems shall be constructed in conformity with the approved plans.

12.17-5 LOCATION (8/6/02)
Swimming pools and spas shall only be installed in the rear yard of a premise. In the case of a double frontage lot, swimming pools and spas may be installed only in the secondary street yard of the premise so long as the required minimum street yard setback is maintained. No portion of a swimming pool or spa outside a building, including pumps, filters~~,~~ and related pool equipment shall be located at a distance of less than eight feet from any side or rear property line or building line. Such pool shall also comply with any and all state or local regulations with respect to the distances from an on-site sewage disposal absorption system and private well.

12.17-6 AREA
Such pool may be constructed provided however it does not occupy more than 40 per cent of the usable area of the rear yard excluding all garages or other accessory structures located in such area.

12.17-7 SAFETY FEATURES (8/6/02)
No swimming pool shall be installed or maintained unless:

(a) In the case of an in-ground pool, there shall be erected and maintained a good quality safety fence not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located.

(b) In the case of an above ground pool, one of the following must be met:

1 Erect and maintain a good quality safety fence of not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or
2 The total wall height of the pool and surrounding deck/railing must be at least six feet above yard grade.

(c) In the case of a spa/hot tub, a locked safety cover meeting American Society for Testing Materials Specifications may be used, or a spa must be completely enclosed in a structure with locking windows and doors.

(d) Safety fencing must be so constructed as not to have voids, holes or openings larger than four inches in one dimension.

(e) Every gate or other opening in the fence enclosing the pool or yard (including spa safety covers) except an opening to the dwelling or other building shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool/spa. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

(f) The swimming pool shall not be filled with water until all safety features are in place.

12.17-8 LIGHTING
No lighting may be installed in connection with the pool which shall throw any rays beyond such property lines.

12.17-9 WATER DRAINAGE
No water drained from a pool shall be discharged over or near any septic tank, septic field or well.

12.17-10 INSPECTION
The town building inspector or town deputy planning and development administrator shall inspect all swimming pools to determine whether or not the provisions of this ordinance are being complied with.

L. SHORELAND REGULATIONS

12.18-1 REGULATIONS

All applicable use, site, or sanitary restrictions and regulations shall apply to shorelands in addition to those listed below. Shoreland regulations apply to all the lands in the unincorporated areas of Kenosha County which are:

(a) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages.

(b) 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.

(c) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high-water mark.

(d) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

1 Lands adjacent to farm drainage ditches if such lands are not adjacent to a natural navigable stream or river or those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.

2 Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

12.18-2 TREE CUTTING, SHRUBBERY CLEARING AND IMPERVIOUS SURFACE (8/6/02)

(a) To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

1. The county may allow routine maintenance of vegetation.

2. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned.

3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.

4. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

5. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area that meets the standards found in section 12.18-10 (Mitigation). The permit also shall require an enforceable restriction to preserve the newly restored area.

(b) Impervious Surface**.** Impervious surface standards were established to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

1. Calculation of Percentage of Impervious Surface. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 12.18-2(d) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(a) Impervious Surface Standard for Highly Developed Shorelines. For properties on shorelands of highly developed lakes including;

Voltz Lake	Powers Lake
Silver Lake	Lily Lake
Camp Lake	Center Lake
Rock Lake	Cross Lake
Benedict Lake	Benet Lake
Montgomery Lake	Hooker Lake
Shangri-La Lake	

A property owner is allowed up to 30% for residential land use and up to 40% for commercial, industrial or business land uses.

(b) General Impervious Surface Standards. A shoreland property owner not on a highly developed shoreland listed in 12.18-2(b)(1)(a) shall be allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-

water mark.

2. Maximum Impervious Surface Standard.

(a) A property owner in a highly developed shoreland listed in 12.18-2(b)(1)(a) may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.

(b) For properties where the general impervious surface standard applies under section 12.18-2(b)(1)(b), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

(c) For properties that exceed the standard under 12.18-2(b)(2)(a) and (b) but do not exceed the maximum standard under 12.18-2(b)(2)(a) and (b) a zoning permit can be issued for development with an approved shoreland permit that details the mitigation plan that meets the standards found in section 12.18-10 (Mitigation), unless exempt under 12.18-2(b)2(f).

(d) Treated Impervious Surfaces. Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 12.18-2(b)(1):

(1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

(2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil, such as pervious pavement.

(e) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 12.18-2(b) or the maximum impervious surface standard in section 12.18-2(b)(2), the property owner may do any of the following:

(1) Maintain and repair the existing impervious surfaces;

(2) Replace existing impervious surfaces with similar surfaces within the existing building envelope;

(3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the

effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements.

(4) The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

(f) Vegetated Buffer Exemptions. In accordance with the provisions of ch. 59.692(1f) Wis. Stats. This ordinance shall not require a person to do any of the following:

(1) Establish a vegetative buffer zone on previously developed land;

(2) Expand an existing vegetative buffer zone.

12.18-3 EARTH MOVEMENTS (6/12/12)
Earth movements such as construction, altering or enlargement of waterways, removal of stream or lake bed materials, channel clearing, dredging, lagooning, grading, topsoil removal, filling, road cutting and ditching require a permit in accordance with Section 12.18-9 of this Ordinance in addition to the permit required from the state agency accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the DNR and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards 12.40-4(a) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to 12.40-4, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process

12.18-4 STRUCTURES (8/6/02)
All structures, except navigational aids, piers, boat launching facilities and boat houses, and steps and stairs located above the ordinary high water mark and necessary for access to the shoreline, shall not be closer than the shore yard distance as specified in each district of this ordinance. See Section 12.27-2 for more information.

(a) The County shall not establish shoreland zoning standards that requires any of the following:
1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
2. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(b) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

1. The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

A “facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

12.18-5 SOIL CONSERVATION PRACTICES, TILLAGE AND GRAZING

(a) Soil conservation practices such as tiles terraces, runoff diversions, and grassed waterways used for erosion control shall not require a permit under Section 12.18-9 of this Ordinance when designed and constructed to Natural Resources Conservation Service technical standards.

(b) Tillage, grazing, livestock watering, and feeding and application of fertilizers shall be prohibited unless conducted in accordance with applicable County, State and Federal laws and regulations and unless conducted in such a manner as to safe-guard the health, safety and welfare of individuals, animal and aquatic life, in the surrounding environment.

12.18-6 WATER WITHDRAWAL AND DIVERSION USES

Surface water withdrawal, diversion, or discharge for irrigation, processing, cooling or other purposes require a permit in accordance with Section 12.18-9 of this Ordinance.

12.18-7 CROP PRODUCTION

Crop production on lands with an erosion factor of three or more is prohibited and such lands shall be planted to permanent vegetation.

12.18-8 WISCONSIN SHORELAND MANAGEMENT PROGRAM

The use of any parcel of land located within the county's designated Shoreland-Floodplain area shall be conducted in accordance with the provisions of Chapter NR115 of the Wisconsin Administrative Code, Wisconsin's Shoreland Management Program, and in the case of conflict between this ordinance and the Wisconsin Administrative Code, (NR-115) the provision with the greater restriction shall apply.

12.18-9 STIPULATED SHORELAND PERMITS

Notwithstanding the other requirements set forth in this section, the Department of Planning and Development may issue a stipulated Shoreland Permit for those uses listed in section 12.18-2 and 12.18-6 without requiring a conditional use permit provided that the use shall not be susceptible to flooding, concentrated runoff, inadequate drainage, adverse soil and topographic conditions or any other features likely to be harmful to the environment or the public interest. The Department of Planning and Development shall not issue the stipulated shoreland permit until the applicant agrees to the stipulations and such stipulated shoreland permit is filed and recorded in the Office of Register of Deeds. The Department of Planning and Development shall notify the Wisconsin Department of Natural Resources and the appropriate town board of the issuance of all stipulated shoreland permits.

12.18-10 MITIGATION

(a) General Standards. (s. 59.692(1 v), Wis. Stats., NR 115.05 (l)(e)3.,(g)5.,(g)6.) When the county issues a permit requiring mitigation in accordance with sections 12.18-2 or 12-28-11 of this

Ordinance the property owner must submit a mitigation plan application that is reviewed and approved by the county. The application shall include the following:

1. A site plan that describes the proposed mitigation measures:

    a. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.

    b. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.

2. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.

    a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

(b) Mitigation Options.

1. Vegetative buffer required as mitigation under open sided provision (12.27-6(k)). The property owner shall choose and implement two (2) of the following:

    a. Restoration of native primary vegetative buffer to county vegetative buffer standards per section 12.18-10(d).

    b. The associated private onsite waste treatment system must be evaluated and upgraded as appropriate in compliance with ch. SPS 383, Wis. Administrative Code.

    c. Stormwater management practices (e.g., stormwater ponds, constructed wetlands, infiltration basins, rain gardens, pervious pavers, bio-swales, water diversions of overland flow or other approved engineered systems).

2. Lateral expansion of a non-conforming principal structure located between 35 and 75 feet from the ordinary high-water mark and which is less than 35 feet in height section 12.28-11(b);
or the replacement or relocation of principal structure located between 35 and 75 feet from the ordinary high-water mark and which is less than 35 feet in height;
or new impervious surface area greater than 15% and/or less than or equal to 30%, and greater than 30% for highly developed shorelands section 12.18-2(b).

    a. Removal of all nonconforming accessory structures located in the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary high-water mark as the principal structure on the property.

    b. The property owner shall choose and implement two (2) of the following:

        1) Restoration of native primary vegetative buffer to county vegetative buffer standards per section 12.18-10(d).

2) The associated private onsite waste treatment system must be evaluated and upgraded as appropriate in compliance with ch. SPS 383, Wis. Administrative Code.

3) Stormwater management practices (e.g., stormwater ponds, constructed wetlands, infiltration basins, rain gardens, pervious pavers, bio-swales, water diversions of overland flow or other approved engineered systems).

(c) Implementation Schedule. The approved Shoreland Buffer Restoration Site Plan must be started within 1 year from the issue date of the applicable permit. All plantings and any other activities in the Shoreland Buffer Restoration Site Plan must be completed within 2 years of the permit issue date.

(d) Establishment of a Vegetation Buffer Zone.

1. The owner(s) or their agent must submit a plan that will be implemented by the owner of the property to establish, preserve, enhance, and/or restore a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. The plan must be approved by the County Zoning Office.

2. To be considered for approval a plan to establish, preserve, enhance, and/or restore a vegetative buffer zone following the VEGETATIVE BUFFER STANDARDS described in Appendix "D" and shall, at a minimum, contain:

a. A binding agreement with the owner, his/her heirs, successors, and assignees, must authorize entrance onto the property by zoning staff for inspections to assure compliance with the plan. The agreement shall be written and recordable on forms provided by the County Zoning Office and recorded with the Register of Deeds. This also applies to preservation of an existing natural buffer.

b. A description of how the landowner intends to carry out the project, including methods, materials, and equipment to be used.

c. A proposed schedule and sequence of work activities.

d. The names, descriptions, and densities of native species to be utilized in the restoration work, including ground cover, shrubs, and tree layers.

e. A description of the site before the project begins and a description of the proposed site once the buffer is completed.

f. The erosion control measures that will be used during construction of the permitted structure and vegetative buffer zone to control sediment, runoff, and protect water quality.

3. Removal of the shoreyard structure will not relinquish the recorded agreement or permit the removal, destruction, degradation, and/or reduction in size of the shoreland vegetative buffer.

4. Failure to comply with the plan and/or subsequent removal of vegetation from the vegetative buffer zone will cause the County Zoning Office to revoke the permit and order the removal of any structure(s) authorized under the zoning permit.

M. MOBILE TOWER SITING REGULATIONS

12.18.1-1 PURPOSE

The purpose of this section of the ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification to an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification to an existing support structure and mobile service facilities.

It is intended that Kenosha County shall apply these regulations to accomplish to the greatest degree possible the following: (1) minimize adverse effects of mobile service facilities and mobile service support structures; (2) maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community; and (3) provide a process of obtaining necessary zoning permits for mobile service facilities and support structures while at the same time protecting the legitimate interests of Kenosha County citizens.

Kenosha County encourages the use of alternative support structures, co-location of new antennas on existing support structures and construction of supports structures with the ability to locate at least three (3) additional users (minimum of 4 total users required for each mobile tower facility).

It is not the intent of this section to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes or antennas whose regulation is prohibited by Wis. Stat. § 59.69 (4)(d), as it may be amended from time to time.

12.18.1-2 DEFINITIONS

All definitions contained in Wis. Stat. § 66.0404 (1), as amended from time to time, are hereby incorporated by reference.

12.18.1-3 EXCEPTIONS

The following shall be exempt from the requirements to obtain a zoning permit, unless otherwise noted.

(a) Amateur Radio and/or Receive-Only antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and used for amateur radio purposes or is used exclusively for receive-only purposes.

(b) Mobile services providing public information coverage of news events of a temporary or emergency nature.

(c) Utility pole mounted antenna if the height of the antenna is thirty (30) feet or less above the highest part of the utility pole.

12.18.1-4 SITING AND CONSTRUCTION

Siting and Construction of Any New Mobile Service Support Structure and Facilities and Class 1 Collocation:

(a) Application Process: A zoning permit is required for the siting and construction of any new mobile service support structure and facilities for a Class 1 Collocation if the following substantial modifications are added to the existing mobile service support structure:

1 An increase in the overall height of the structure by more than twenty (20) feet, for structures with an overall height of two hundred (200) feet or less.

2 An increase in the overall height of the structure by 10% or more, for structures with an overall height of more than two hundred (200) feet.

3 An increase in width of the support structure by twenty (20) feet or more, measured at the level of the appurtenance added to the structure as a result of the modification.

4 An increase in the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(b) A zoning permit application must be completed by any applicant and submitted to the the Division of Planning Operations (hereinafter referred to as the "Department"). The application must contain the following information:

1 The name, business address and phone number of the contact individual for the applicant. The applicant should include an email address if available.

2 The location of the proposed affected support structure.

3 The location of the proposed mobile service facility.

4 If the applicant does not own the site or the tower, the applicant must provide an agent letter or lease agreement that provides consent from the property owner. The applicant should also provide the legal descriptions and amount of property leased.

5 If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. The construction plan shall include a sketch concept or rendering of the site and a scaled site plan which shows property lines, lease areas, setback distances, structures including support structure, buildings, equipment pads, and fencing.

6 If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components including antennas, transmitters, receivers, base stations,

power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure. The construction plan shall include a sketch concept or rendering of the site and a scaled site plan which shows property lines, lease areas, setback distances, structures including support structure, buildings, equipment pads, and fencing. The Department may also request the submittal of propagation maps.

7 If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) An application for a zoning permit shall be made available by the Department upon request by any applicant.

(d) Completed Applications. If an applicant submits to the Department an application for a zoning permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Department shall consider the application complete. If the Department does not believe that the application is complete, the Department shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(e) In the event the department determines that it is necessary to consult with a third party in considering a zoning permit application, all reasonable costs and expenses, excluding travel expenses, associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or to provide information requested by the department shall be grounds for denial or revocation of the zoning permit.

(f) Department Responsibilities. Within ninety (90) days of its receipt of a complete application, the Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the ninety (90) day period:

1 Review the application to determine whether it complies with all applicable aspects of the County's zoning ordinance.

2 Make a final decision whether to approve or disprove the application.

3 Notify the applicant, in writing, of its final decision.

4 If the decision is to disprove the application, include with the written notification substantial evidence which supports the decision.

(g) Disapproval. The Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 12.18.1-4 (b)6.

(h) Application of Set Back/Fall Zone. If an applicant provides the Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone areas required in a zoning ordinance (§ 12.27-1(b)) that zoning ordinance does not apply to such a structure unless the Department provides the applicant with substantial evidence that the engineering certification is flawed.

(i) Fees. The fee for a zoning permit relating to construction of a new mobile service support structure and facility or for a Class 1 Collocation is listed in the Department's Fee Schedule.

(j) Limitations**.** The zoning permits for Siting and Construction of any new mobile service support structure and facilities and for any Class 1 Collocation shall only be granted provided the following conditions exist:

1 The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.

2 The applicant and/or agent have copies of Findings of No Significant Impacts (FONI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable.

3 The applicant and /or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.

4 The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of public or private airports and landing strips located within five (5) miles of the proposed site have been notified via certified mail.

5 If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.

12.18.1-5 CLASS 2 COLLOCATION

(a) A zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use, but still requires the issuance of a zoning permit.

(b) A zoning permit application must be completed by any applicant and submitted to the Department. The application must contain the following information:

1 The name, business address and the phone number of the contact individual for the applicant. The applicant should include an email address if available.

2 The location of the proposed or affected mobile service support structure.

3 The location of the proposed mobile service facility.

(c) A zoning permit application will be provided by the Department upon request to any applicant.

(d) Requirements. A class 2 collocation is subject to the same requirements for the issuance of a zoning permit to which any other type of commercial development or land use development is subject.

This will require construction plans which describe the proposed equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the existing mobile service support structure. The construction plan shall include a scaled site plan which shows property lines, lease areas, structures including support structure, buildings, equipment pads, and fencing.

(e) Completed Applications. If an applicant submits to the Department an application for a zoning permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Department shall consider the application complete. If any of the required information is not in the application, the Department shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(f) Department Requirements. Within forty-five (45) days of its receipt of a completed application, the Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Department may agree in writing to an extension of the forty-five (45) day period:

1 Make a final decision whether to approve or disprove the application.

2 Notify the applicant, in writing, of its final decision.

3 If the application is approved, issue the applicant the relevant zoning permit.

4 If the decision is to disprove the application, include with the written notification substantial evidence which supports the decision.

(g) Fees. The fee for a zoning permit relating to a Class 2 Collocation is listed in the Department's Fee Schedule.

12.18.1-6. ABANDONMENT, REMOVAL AND SECURITY FOR REMOVAL

(a) The recipient of a Zoning permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Department within forty-five (45) days of the date when the mobile service facility is no longer in operation.

(b) Abandonment: any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Planning, Development and Extension Education Committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or zoning permit holder is actively seeking tenants for the site.

If abandonment is determined to have occurred, the owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Department notifying the owner of such abandonment. If removal to the satisfaction of the Department does not occur within said ninety (90) days, the Director of Planning Operations may order removal utilizing the established bond or letter of credit discussed below. If there are two or more users of a single tower, abandonment shall not be determined to have occurred until all operation of the tower ceases by all users.

(c) Removal. It is the express policy of Kenosha County and this ordinance that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner's responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Department. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have ninety (90) days to effect removal and restoration unless weather prohibits such efforts. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to 5 feet below the surface. The owner shall record a document with the Kenosha County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

(d) Security for Removal**.** Before the issuance of any zoning permit, a performance bond or letter of credit shall be provided to Kenosha County to guarantee that a structure that has ceased being used for mobile services facilities is removed. The bond amount shall be the lesser of twenty thousand ($20,000) or an amount based on a written estimate of a person qualified to remove such structures. Kenosha County will be named as the recipient of the bond or letter of credit and Kenosha County is entitled to approve the bonding company. If necessary, Kenosha County may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index, but at no point shall the bond amount exceed Twenty Thousand Dollars ($20,000).

12.18.1-7 MOBILE SERVICE SUPPORT STRUCTURE, ANTENNA AND FACILITIES REQUIREMENTS

All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection 12.18.1-3, shall be designed as follows:

(a) Mobile Service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the Department to be otherwise.

(b) Mobile service support structures towers, guy wires, appurtenant equipment, and buildings shall comply with the yard and setback requirements of the zoning district in which they are located.

(c) Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with all other applicable local, state and federal codes.

(d) Equipment compounds shall meet the site plan requirements set forth in Section 12.08-2 and this shall be applicable in all zoning districts.

(e) Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the Kenosha County.

(f) All mobile service facilities and support structures, except exempt facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of all facility structures, equipment and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip of at least four (4) feet wide outside the perimeter of the area where the tower accessory structures and equipment are located at ground level. In locations where the visual impact of the facility would be minimal the landscaping requirements may be reduced or waived by the Department. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.

(g) Access to the mobile service facilities and support structures must be provided by an all-weather gravel or paved driveway.

(h) The applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate three (3) additional antennas.

(i) Accessory buildings, structures, cabinets and other accessory facilities may be allowed and shall not exceed fifteen (15) feet in height, measured from the original grade, and two hundred fifty (250) square feet in area. All visible surfaces shall be constructed of nonreflective materials and designed to blend with the existing architecture in the area to the greatest extent feasible.

(j) Noise and Traffic. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection 12.18.1-3:

1 Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair.

2 Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes. Emergency back-up generators shall be completely enclosed on all sides and other efforts to mitigate noise from such generators may be required.

(k) The Facility or collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities, are shared by site users whenever possible.

12.18.1-8 LOCATION AND SEPARATION REQUIREMENTS

A good faith effort should be made to have mobile service support structures separated by a minimum of five thousand two hundred eighty (5280) feet, measured from the base of the existing structure to the base of the proposed structure. Two (2) mobile service support structures may be permitted to be located closer if the applicant provides a sworn statement to the Department from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage and capacity, is technically infeasible, or is economically burdensome to the mobile service provider. The Department may request other supporting documentation, drawings and information to evaluate the applicant's request and/or assist in a third-party review.

A mobile service facility is encouraged to locate on existing mobile towers or on alternative support structures, such as clock towers, chimneys, steeples, barns, silos, light poles, buildings, water towers or

similar structures, provided that the placement of the antenna will not extend more than six (6) feet from the structure.

12.18.1-9 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

12.18.1-10 LIABILITY

The Department does not warrant any mobile service support structure against design or structural failure. The Department does not certify that the design is adequate for any tower and the Department hereby accepts no liability through the issuance of a zoning permit.

12.18.1-11 TRANSFERABILITY OF MOBILE TOWER SITING ZONING PERMITS

Zoning permits granted under this section go with the land and are transferable. Zoning permits granted under this section are not limited in duration. All section and zoning permit requirements shall apply to subsequent owners. The department shall be notified of any change in ownership including, but not limited to facility leases, mortgages, liens or other instruments which may affect title to the property.

N. SMALL WIND ENERGY SYSTEMS

12.18.2-1 PURPOSE

The purpose of this section is to adopt and incorporate the requirements of Wisconsin Stat. § 66.0401 and Wisconsin Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of small wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost or efficiency.

(a) Statutes, Regulations and Rules

1. This section is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder.
2. Wisconsin Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 are adopted and incorporated by reference.

12.18.2-2 DEFINITIONS

All definitions contained in Wis. Stat. § 66.0401 and Wisconsin Admin. Code Ch. PSC 128 as amended from time to time, are hereby incorporated by reference.

12.18.2-3 ZONING PERMIT REQUIRED

(a) An owner must apply for and receive a zoning permit from the Department of Planning and Development (hereinafter referred to as the "Department") before installing, constructing, or expanding any small wind energy system.

(b) The owner must pay an application fee at the time the application for a small wind energy system is filed with the Department.

(c) A zoning permit issued by the Department expires if construction of the small wind energy system is not commenced within 18 months from the date of the permit or if the small wind energy system is not installed and functioning within 12 months from the date construction begins.

12.18.2-4 APPLICATION REQUIREMENTS

(a) The owner must file an application that contains the information specified in PSC 128.30, except as modified by PSC 128.61(6).

(b) A plan shall be submitted that includes information specified in Section 12.05-1 (h). The owner must also provide the following additional information on the plan or as part of the permit application:

1. Location of any overhead utility lines on or adjacent to the property.
2. Description and specifications of the components of the small wind energy system, including the manufacturer, model, capacity, blade length, and total height of the small wind energy system; and

3. Blueprints or drawings which have been approved by a registered professional engineer for any tower and tower foundation.

12.18.2-5 FILING REQUIREMENTS

(a) Any document or paper required to be filed with the county pursuant to PSC 128 or this ordinance must be filed at or delivered to the Department's office.

(b) Any document, paper, or other material submitted to the county that relates to an application must be delivered to the Department's office.

(c) Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit reduced copy that is 8-1/2 x 11 inches in size.

12.18.2-6 CONDITIONS REQUIRED FOR APPROVAL

(a) An owner shall provide information showing that it has complied with the notification requirements of PSC 128.105(1), as modified by PSC 128.61(1).

(b) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.14(6), as modified by PSC 128.61(4).

12.18.2-7 ABANDONMENT AND DECOMMISSIONING

(a) A small wind energy system that does not generate electricity for a continuous period of 540 days will be deemed abandoned and the Department may issue a Notice of Abandonment to the owner.

(b) If, within 30 days of receipt of a Notice of Abandonment, the owner provides the Department with information showing that the small wind energy system has not been abandoned, the Department will withdraw the Notice.

(c) Unless the Department withdraws the Notice of Abandonment, a small wind energy system tower must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove a small wind energy system and reclaim the site, the county may remove or cause the removal of the small wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

12.18.2-8 CODE COMPLIANCE

A small wind energy system must comply with the National Electrical Code and all applicable state construction and electrical codes. The owner must provide certification from a state licensed inspector showing that the small wind energy system complies with all applicable codes before placing the small wind energy system into operation.

12.18.2-9 ELECTRICAL WIRES

All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

12.18.2-10 EMERGENCY COMMUNICATIONS CORRIDORS

(a) An owner may not construct wind energy systems facilities within an emergency communication corridor, which is defined as the area within an existing line-of-sight communication path that is used by a government or military entity to provide services essential to protect public safety.

(b) An owner shall provide information showing that wind energy systems facilities will be in compliance with sub. (a).

(c) Kenosha County will provide the locations of emergency communication services and line-of-site corridors that are essential to protect public safety.

12.18.2-11 EQUIPMENT ACCESS

All ground-mounted electrical and control equipment must be labeled and secure to prevent unauthorized access.

(a) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.

(b) An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.

(c) An owner shall place appropriate warning signage on or at the base of each wind turbine.

(d) An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

12.18.2-12 LIGHTING.

(a) A small wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration.

(b) An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

12.18.2-13 NOISE

(a) The noise generated by the operation of a small wind energy system may not exceed 50 db(A) during the daytime hours and 45 db(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).

(b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provided in PSC 128.14(5) and (6).

(c) The owner shall provide the notice as prescribed by PSC 128.61(4).

(d) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the Department with the results of an accurate test conducted

within 2 years prior to the date of the complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

12.18.2-14 OWNERSHIP CHANGE

(a) An owner shall provide the county with notice of any change in ownership of the small wind energy system on or before the effective date of the change.

12.18.2-15 STATE AND FEDERAL PERMITS

(a) An owner shall submit a copy of all necessary state and federal permits and approvals to the Department.

12.18.2-16 SETBACKS

(a) A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.

(b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance.

12.18.2-17 SIGNAL INTERFERENCE

(a) An owner shall use reasonable efforts to avoid causing interference with commercial and personal communications in use when the wind energy system begins operation to the extent practicable.

(b) If necessary, an owner shall, under a protocol established by PSC 128.50(2), implement a new technology solution that becomes commercially available before the small wind energy system is decommissioned to address interference.

12.18.2-18 UTILITY INTERCONNECTION

(a) A small wind energy system that connects to the electric utility must comply with Wis. Admin. Code § PSC 119, Rules for Interconnecting Distributed Generation Facilities.

12.18.2-19 CONSTRUCTION, OPERATION AND MAINTENANCE STANDARDS

(a) An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition in a manner that protects individuals from injury.

(b) An owner shall notify the county of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

12.18.2-20 APPLICATION PROCESSING

(a) The application for a zoning permit will be processed following the procedures set forth in Stat. § 66.0403).

(b) An owner shall, on the same day that it files an application for a small wind energy system, use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located adjacent to the small wind energy system. The notice shall contain the information specified in PSC 128.30(5).

(c) Upon receipt of an application, the Department shall publish the notice required by Wis. Stat. § 66.0401(4)(a)(1) and PSC 128.30(5)(b).

(d) The Department will accept written comments on the application for a period of 10 days following the date of the published notice.

(e) If the permit application is denied, the Department will notify the owner in writing and provide a written statement of the reason why the application was denied. The owner may appeal the Department's decision to the Board of Adjustments as provided by Section (Need correct reference).

12.18.2-21 COMPLETENESS REVIEW

(a) An application is complete if it complies with the filing requirements of this ordinance and of PSC 128.30(2) and 128.50(1).

(b) An application is considered filed the day the owner notifies the Department in writing that all the application materials have been filed.

(c) The Department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed.

(d) If the Department determines that the application is incomplete, it shall provide the owner with written notice stating the reasons for the determination. The owner shall provide additional information specified in the notice, and an additional 45-day completeness review period will begin the day after the Department receives responses to all items identified in the notice.

(e) If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

(f) If the county does not make a completeness determination within the applicable review period, the application is considered to be complete.

12.18.2-22 REQUESTS FOR ADDITIONAL INFORMATION

(a) The Department may request additional information necessary to understand the small wind energy system after determining that an application is complete.

(b) An owner shall provide additional information in response to all reasonable requests.

(c) An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete and accurate manner.

(d) If the owner fails to provide additional information requested within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to the

payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

12.18.2-23 APPROVAL REVIEW

(a) The Department shall have 90 days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application.

(b) The review period may be extended upon written notice to the applicant for one or more of the following reasons; but the total time for all extensions may not exceed an additional 90 days:

1. Up to 45 days if additional information is needed.

2. Up to 90 days if the applicant makes a material modification to the application.

3. Up to 90 days for other good cause specified in writing.

(c) If the Department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

12.18.2-24 WRITTEN DECISION

(a) The Department shall issue a written decision to grant or deny an application for a small wind energy system. The written decision must include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.

(b) The Department shall provide a duplicate original of its written decision to the owner and the public services commission (hereinafter referred to as the "commission").

(c) The owner shall record the duplicate original of a decision approving an application with the register of deeds.

12.18.2-25 MODIFICATIONS

(a) An owner shall comply with PSC 128.35 before making any material change to a small wind energy system.

(b) The Department will conduct a review of any application for a material change in a small wind energy system as provided for in PSC 128.35(2).

12.18.2-26 DECOMMISSIOINING REVIEW

(a) An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its small wind energy systems facilities are located when a small wind energy system approved by the county has been decommissioned and removed.

(b) The Department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the small wind energy system as required by PSC 128.19(1)(a).

(c) The owner shall cooperate with the county by participating in the decommissioning review process.

12.18.2-27 APPEALS

(a) A decision by the Department that the application is incomplete, or to approve or disapprove the application, or to impose a restriction on a small wind energy system may be appealed in accordance with the procedures set forth in Section 12.35-1 to 12.35-8 or by appealing to the commission under Section 66.0401(5) of the Wisconsin Statutes.

(b) Any action by the county to enforce a restriction on a small wind energy system may be appealed to the commission.

(c) An appeal must be filed with the commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

12.18.2-28 COMPLAINT PROCESS

(a) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

(b) The petition for review must be filed with the Department within 90 days of the date of the original complaint.

(c) The petition must include the following:

1. Name, address, and telephone number of the person filing the petition

2. Copy of the original complaint to the owner

3. Copy of the owner's initial response

4. Statement describing the unresolved complaint

5.. Statement describing the desired remedy

6. Any other information the complainant deems relevant to the complaint

7. Notarized signature of the person filing the petition.

(d) The Department shall forward a copy of the petition to the owner by certified mail within 10 days of the Department's receipt of the petition.

(e) The owner shall file an answer to the petition with the Department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.

(f) The answer must include the following:

1. Name, address and telephone number of the person filing the answer

2. Statement describing the actions taken by the owner in response to the complaint

3. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved

4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint

5 Any other information the owner deems relevant to the complaint

6 Notarized signature of the person filing the answer.

(g) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the Department as each deems appropriate.

(h) The Department may request such additional information from the complainant and the owner as it deems necessary to complete its review.

(i) The Department may retain such consultants or experts as it deems necessary to complete its review.

(j) The Department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

(k) The Department's decision and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

O. LARGE WIND ENERGY SYSTEMS

12.18.3-1 PURPOSE

The purpose of this section is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of large wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency. Local regulations on the installation and use of small wind energy systems are contained in Section 12.18.2-1.

(a) Statutes, Regulations and Rules.

1. This section is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder.
2. Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 are adopted and incorporated by reference.

12.18.3-2 DEFINITIONS

All definitions contained in Wis. Stat. § 66.0401 and Wisconsin Admin. Code Ch. PSC 128 as amended from time to time, are hereby incorporated by reference.

12.18.3-3 ZONING PERMIT REQUIRED

(a) An owner must obtain the county's approval before constructing a wind energy system or expanding an existing or previously approved wind energy system, and no wind turbine may be installed, constructed, or expanded without a zoning permit issued for a principal commercial structure by the Department under Section 12.05-1.

(b) The owner must pay an application fee at the time the application for a wind energy system is filed with the Department. See Section 12.18.3-22 for additional required fees.

(c) A zoning permit issued by the Department expires if construction of the wind energy system is not commenced within 24 months from the date of the permit.

12.18.3-4 APPLICATION REQUIREMENTS

(a) An owner shall file an original application which contains the information required by PSC 128.30(2) with the Division of Planning and Development (hereinafter referred to as the "Department.)

(b) The owner shall submit 11 copies of the application to the Department and one copy of the application to the clerk of each town in which any wind energy system facility is proposed to be located.

(c) The owner may submit 1 digital copy of the application to the Department in a format that is acceptable to the Department.

(d) Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.

12.18.3-5 FILING REQUIREMENTS

(a) Any document or paper required to be filed with the county pursuant to PSC 128 or this ordinance must be filed at or delivered to the Department's office.

(b) Any document, paper, or other material submitted to the county that relates to an application must be delivered to the Department's office or submitted to the Department on the record at a public hearing.

(c) Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11inches in size.

12.18.3-6 CONDITIONS REQUIRED FOR APPROVAL

(a) An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any federal or state agency and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.

(b) An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.

(c) An owner shall submit a copy of all necessary state and federal permits and approvals to the county.

(d) An owner shall provide information showing that is has complied with the notification requirements specified in PSC 128.105(1), PSC 128.14(6) and PSC 128.15(5).

(e) An owner shall provide information showing that it has complied with the financial responsibility requirements specified in sec. 12.18.3-10.

(f) An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.

12.18.3-7 AERIAL SPRAYING

An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:

(a) Substantial evidence of a history, before the wind energy system owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.

(b) A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

12.18.3-8 ANNUAL REPORTS

An owner shall, on or before January 31 of each year, file an annual report with the Department documenting the operation and maintenance of the wind energy system during the previous calendar year.

12.18.3-9 EMERGENCY PROCEDURES

(a) An owner shall establish and maintain a liaison with each political subdivision within which its wind energy system facilities are located and with fire, police, and other appropriate first responders serving the area in which the wind energy system facilities are located in order to create effective emergency plans as required by PSC 128.18(4)(b).

(b) An owner shall distribute a copy of its emergency plans to the following:

1. Kenosha County Office of Emergency Management

   Attn: Emergency Management Director
   1000 55th Street
   Kenosha, WI 53140-3707

2. Kenosha County Sheriff's Department

   Attention: Kenosha County Sheriff
   1000 55th Street
   Kenosha, WI 53140

3. Clerk for any town or village within which its wind energy system facilities are located or that are within one-half mile of any of its wind energy systems facilities.

4. Clerk for any city within one-half mile of any of its wind energy systems facilities

5. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans.

(c) An owner shall provide annual training for the county's emergency management department, sheriff's department, and any other fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide at least 8 hours of training during each calendar year and is responsible for all direct training costs.

(d) If an owner is required to implement its emergency plans as the result of a wind energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the county's emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall distribute the revised emergency plans as provided in sub. (b).

(e) An owner shall notify the county of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

12.18.3-10 FINANCIAL RESPONSIBILITY

(a) An owner with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.

(b) An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the 3 estimates.

(c) An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.19(5)(b), or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.

(d) The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required.

(e) The county may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

12.18.3-11 INFORMATION

(a) An owner shall, within 30 days of consulting with any federal or state agency about the construction, operation, or decommissioning of the wind energy system, provide the county with information about the reason for the consultation.

(b) An owner shall, within 30 days of receiving any non-binding recommendation for the construction, operation, or decommissioning of the wind energy system from any federal or state agency, provide the county with information about the consultation and recommendation and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.

12.18.3-12 EQUIPMENT ACCESS AND CONDITION

(a) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.

(b) All ground-mounted electrical and control equipment must be labeled and secure to prevent unauthorized access. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.

(c) An owner shall place appropriate warning signage on or at the base of each wind turbine.

(d) An owner shall post and maintain up−to−date signs containing a 24−hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.

(e) An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

(f) An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition in a manner that protects individuals from injury.

12.18.3-13 LIGHTING

An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

12.18.3-14 MONETARY COMPENSATION FOR NONPARTICIPATING RESIDENCES

(a) An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of $600 for 1 turbine located within one-half mile of a nonparticipating residence, $800 for two turbines located within one-half mile of a nonparticipating residence, and $1,000 for 3 or more turbines located within one-half mile of a nonparticipating residence.

(b) The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2014. For agreements entered into in 2015 and thereafter, the initial annual

amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in Wis. Stat. § 196.374(5)(bm)2 from the previous year.

(c) An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this ordinance or PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this ordinance or PSC 128.

12.18.3-15 NOISE

If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the Department with the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2)

12.18.3-16 OWNERSHIP CHANGE

(a) An owner shall provide the county with notice of any change in ownership of the wind energy system on or before the effective date of the change.

(b) A notice of change in ownership of the wind energy system shall include information showing that the financial responsibility requirements specified in sec. 12.18.3-10 will be met following the change in ownership.

12.18.3-17 SIGNAL INTERFERENCE

(a) An owner shall use reasonable efforts to avoid causing interference with commercial and personal communications in use when the wind energy system begins operation to the extent practicable.

(b) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications that were in use when the wind energy system began commercial operations. An owner shall also use reasonable and commercially available technology to mitigate intereference with personal communications that were not in use when the wind energy sytem began commercial operations, if the wind energy system is causing the interference and the interference occurs at a location at least one-half mile from a wind turbine.

(c) An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation.

(d) Before implementing mitigation measures, the owner shall consult with the affected parties regarding the preferred mitigation solution for personal and commercial communications interference problems. Except as provided in sub. (e), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

(e) An owner shall, under a protocol established by PSC 128.50(2), implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under PSC § 128.16(2) and (3) and for which the original mitigation solution is only partially effective.

12.18.3-18 EMERGENCY COMMUNICATIONS CORRIDORS

(a) Wind energy system facilities shall not be located within an emergency communication corridor, which is defined as the area within an existing line-of-sight communication path that is used by a government or military entity to provide services essential to protect public safety.

(b) Kenosha County will provide the locations of emergency communication services and line-of-site corridors that are essential to protect public safety.

12.18.3-19 SOIL AND DRAINAGE SYSTEM PROTECTION

(a) An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.

(b) An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.

12.18.3-20 STUDIES

An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.

12.18.3-21 COSTS AND FEES

(a) An applicant shall pay an application fee to the county at the time that it files its application. The fee will be applied to the cost of reviewing the application.

(b) An applicant is responsible for paying all costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts.

(c) An owner is responsible for paying all costs incurred by the county in connection with monitoring compliance during construction and assessing when wind energy facilities are not maintained in good repair and operation condition.

(d) The county shall invoice the applicant or owner for the actual and necessary costs incurred pursuant to this ordinance. The applicant or owner shall reimburse the county for those costs within 15 days of the date of invoice.

12.18.3-22 CONSULTANTS

(a) The Department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance.

(b) The corporation counsel is authorized to contract with outside attorneys to perform necessary services in connection with this ordinance.

12.18.3-23 COMPLETENESS REVIEW

(a) An application is complete if it complies with the filing requirements of this ordinance and of PSC 128.30(2) and 128.50(1).

(b) An application is considered filed the day the owner notifies the Department in writing that all the application materials have been filed.

(c) The Department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed.

(d) If the Department determines that the application is incomplete, it shall provide the owner with written notice stating the reasons for the determination. The owner shall provide additional information specified in the notice, and an additional 45-day completeness review period will begin the day after the Department receives responses to all items identified in the notice.

(e) If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

(f) If the county does not make a completeness determination within the applicable review period, the application is considered to be complete.

12.18.3-24 REQUESTS FOR ADDITIONAL INFORMATION

(a) The Department may request additional information necessary to understand the wind energy system after determining that an application is complete.

(b) An owner shall provide additional information in response to all reasonable requests.

(c) An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

(d) If the owner fails to provide additional information requested within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to the payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

12.18.3-25 APPROVAL REVIEW

(a) The Department shall have 90 days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application.

(b) The review period may be extended upon written notice to the applicant for one or more of the following reasons; but the total time for all extensions may not exceed 90 days:

1. Up to 45 days if additional information is needed.

2. Up to 90 days if the applicant makes a material modification to the application.

3. Up to 90 days for other good cause specified in writing.

(c) If the Department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

(d) The Planning and Zoning Committee shall hold one public hearing during the initial 90-day application review period for the purpose of receiving public comments on the application. A hearing notice will be published and the hearing will normally be held at the first commission meeting following notice to the applicant that the application is complete.

(e) Written comments will be accepted for 10 days following the close of the hearing.

12.18.3-26 WRITTEN DECISION

(a) The Department shall issue a written decision to grant or deny an application for a wind energy system. The written decision must include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.

(b) The Department shall provide a duplicate original of its written decision to the owner and the commission.

(c) The owner shall record the duplicate original of a decision approving an application with the register of deeds.

12.18.3-27 MODIFICATIONS

(a) An owner shall comply with PSC 128.35 before making any material change to a wind energy system.

(b) The Department will conduct a review of any application for a material change in a wind energy system as provided for in PSC 128.35(2).

12.18.3-28 THIRD-PARTY CONSTRUCTION INSPECTOR

The Department may contract with a third-party inspector to monitor and report to the Department regarding the owner's compliance with permit requirements during construction as provided for in PSC 128.36(2). The owner shall reimburse the county for the actual and necessary cost of the inspector.

12.18.3-29 POSTCONSTRUCTION FILING REQUIREMENT

Within 90 days of the date a wind energy system commences operation, the owner shall file with the Department and the commission an as-built description of the wind energy system and all other information described in PSC 128.34(3).

12.18.3-30 COMPLIANCE MONITORING

(a) An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information regarding any maintenance performed on the wind turbine:

1. date and time maintenance was performed.
2. nature of the maintenance performed.
3. reason for the maintenance.

(b) An owner shall, at the owner's expense, provide the Department with a copy of the maintenance log for each wind turbine for each month within 5 calendar days after the end of the month.

(c) The Department may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

12.18.3-31 ABANDONMENT AND DECOMMISSIONING

(a) A large wind energy system that does not generate electricity for a continuous period of 360 days will be deemed abandoned and the Department may issue a Notice of Abandonment to the owner.

(b) If within 30 days of receipt of Notice of Abandonment, the owner provides the Department with information showing that the large wind system has not been abandoned, the Department will withdraw the notice.

(c) Unless the Department withdraws the Notice of Abandonment, the large wind energy system must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove the large wind system and reclaim the site, the county may remove or cause the removal of the large wind energy system and arrange for reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

12.18.3-32 DECOMMISSIONING REVIEW

(a) An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy systems facilities are located when a wind energy system approved by the county has been decommissioned and removed.

(b) The Department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.19(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.19(4).

(c) The owner shall cooperate with the county by participating in the decommissioning review process.

12.18.3-33 APPEALS

(a) A decision by the Department that the application is incomplete, to approve or disapprove the application, or to impose a restriction on a wind energy system may be appealed in accordance with the procedures set forth in Section 12.35-1 to 12.35-11 or by appealing to the commission.

(b) Any action by the county to enforce a restriction on a wind energy system may be appealed to the commission.

(c) An appeal must be filed with the commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

12.18.3-34 COMPLAINT NOTICE REQUIREMENTS

(a) An owner shall comply with the notice requirements contained in PSC 128.42(1) and (2).

(b) An owner shall, before construction of a wind energy system begins, provide the Department with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.

(c) An owner shall, before construction of a wind energy system begins, file with the Department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the Department current.

12.18.3-35 COMPLAINT MONITORING

(a) An owner shall maintain a complaint log as required by PSC 128.40(2)(d).

(b) An owner shall, at the owner's expense, provide the Department with a copy of the complaint log for each month within 5 calendar days after the end of the month.

(c) An owner shall, before construction of a wind energy system begins, provide the Department with a written copy of the owner's complaint resolution process. An owner shall provide the Department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change.

12.18.3-36 COMPLAINT PROCESS

(a) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

(b) The petition for review must be filed with the Department within 90 days of the date of the original complaint.

(c) The petition must include the following:

1. name, address, and telephone number of the person filing the petition.

2. copy of the original complaint to the owner.

3. copy of the owner's initial response.

4. statement describing the unresolved complaint.

5. statement describing the desired remedy.

6. any other information the complainant deems relevant to the complaint.

7. notarized signature of the person filing the petition.

(d) The Department shall forward a copy of the petition to the owner by certified mail within 10 days of the Department's receipt of the petition.

(e) The owner shall file an answer to the petition with the Department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.

(f) The answer must include the following:

1. name, address, and telephone number of the person filing the answer.

2. statement describing the actions taken by the owner in response to the complaint.

3. statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.

4. statement describing any additional action the owner plans or is willing to take to resolve the complaint.

5. any other information the owner deems relevant to the complaint.

6. notarized signature of the person filing the answer.

(g) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the Department as each deems appropriate.

(h) The Department may request such additional information from the complainant and the owner as it deems necessary to complete its review.

(i) The Department may retain such consultants or experts as it deems necessary to complete its review.

(j) The Department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

(k) The Department's decision and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

P. ACCESSORY BUILDING REGULATIONS

12.18.4-1 PERMIT REQUIRED

No accessory building shall hereinafter be located, directed, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit from the Division of Planning Operations and without being in conformity with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code. The accessory building shall also meet all the structural requirements of local and State codes.

12.18.4-2 DISTRICTS

Accessory buildings may be located in all districts except the C-1 Lowland Resource Conservancy District and FPO Floodplain Overlay District.

12.18.4-3 APPLICATION

All drawings and plans for the construction, installation, enlargement or alteration of any such accessory building shall first be presented to the Division of Planning Operations for examination and approval as to proper size, location and construction.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the accessory building. Such plans shall also include vertical elevations of the accessory building.

12.18.4-4 CLASSIFICATION

Agricultural buildings, on lots of at least 10 acres, such as barns, silos, bins, sheds, and farm machinery sheds in the A-1, A-2, A-3 and A-4 agricultural districts shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the yard and height requirement of the agricultural districts.

Buildings on non-conforming lots in the A-1, A-2, A-3, or A-4 districts less than 10 acres shall be considered accessory buildings and shall comply with the provisions of this section.

12.18.4-5 LOCATION

Accessory buildings shall be detached from the principal structure, provided that the accessory building:

(a) Is on the same lot and then permitted only after their principal structure is present or under construction.

(b) Shall be located in the side or rear yard only.

12.18.4-6 SIZE

Accessory building size is based upon lot size according to table 12.18.4-12.

12.18.4-7 SETBACKS

Accessory buildings shall have the following setbacks. (see table 12.18.4-12)

(a) A building separation of at least 10 feet between all buildings and structures.

(b) A minimum 5-foot side and rear yard setback on lots equal to or less than ~~79,999~~39,999 square feet, unless zoned R-9, R-10 or R-11 in which case the setback shall be 10 feet.

(c) A minimum 10-foot side and rear yard setback on lots equal to or greater than ~~80~~40,000 square feet.

(d) Detached accessory buildings in all other districts shall meet the minimum setback requirements as outlined in each district.

12.18.4-8 HEIGHT

Accessory buildings shall have the following height. (see table 12.18.4.12)

(a) A maximum height of 15 feet for buildings (shed, gazebos, pool house) equal to or less than 150 square feet.

(b) A maximum height of 17 feet for buildings greater than 150 square feet and equal to or less than 720 square feet

(c) A maximum height of 20 feet for buildings greater than 720 square feet.

12.18.4-9 NUMBER OF BUILDINGS

The number of accessory buildings permitted per lot are as follows:- (see table 12.18.4-12)

(a) One of each: shed, gazebo, pool house equal to or less than 150 square feet.

(b) One accessory building, greater than 150 square feet, on lots equal to or less than 79,999 square feet.

(c) Two accessory buildings, greater than 150 square feet, on lots equal to or greater than 80,000 square feet.

(c) If the total number of detached accessory buildings existing on a parcel exceeds the total number permitted in the district, no additional buildings or additions to existing buildings shall be permitted unless buildings in excess of the district standard are removed.

12.18.4-10 OPEN SIDED/SCREENED STRUCTURES (BUILDINGS) SUCH AS GAZEBOS AND SCREEN HOUSES

Open sided and/or screened structures (buildings) such as gazebos, ~~decks, patios~~ and screen houses are permitted in the shoreyard setback area provided that the following is satisfied in accordance with § 59.692(1v), Stats.

(a) The part of the structure (building) that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.

(b) The floor area of all structures (buildings) in the shoreland setback area shall not exceed 200 square feet.

(c) The structure (building) has no sides or has open or screened sides.

(d) The structure (building) shall not exceed 10 feet in height.

(e) Submittal of a plan, approved by the Division of Planning Operations, that will be implemented by the owner of the property to preserve or establish a vegetative shoreland buffer area that covers at least 70% of the width at least 37.5 feet landward from the ordinary high water mark.

(f) Shoreland buffer area shall be established and maintained with applicable shoreland cutting provisions of section 12.18-2.

12.18.4-11 BOATHOUSES

Boathouses, accessory to permitted uses, may be located within a shore yard and entirely within the access and viewing corridor, but shall not be closer to a lake, stream, pond, or wetland than the ordinary high water mark. A boathouse is a non-habitable structure and shall be designed and used exclusively for marine equipment and shall meet the following requirements:

1 used by the owner or occupant of the parcel;
2 one (1) boathouse per shoreland lot;
3 not to be closer than three (3) feet to any side lot line; and the boathouse shall be constructed in such manner as to orient the main opening of the boathouse toward the lake;
4 not exceed four hundred and fifty (450) square feet measured outside wall to outside wall;
5 not to exceed one story, with a minimum wall height of 10 feet;
6 maximum height of twelve (12) feet above the existing shoreline grade except when bluff and/or steep slope conditions exist, (in such cases, it shall not exceed the height of the top grade elevation of said shoreland lot);
7 maximum width parallel to the shore of fifteen (15) feet;
8 not to contain fireplaces, patio doors, plumbing, heating, air conditioning, cooking facilities or other features inconsistent with the use of the structure exclusively as a boathouse;
9 no attached or detached decks or patios;
10 maximum of 10 square feet of window surface may be allowed on each side;
11 no more than one service door not to exceed 36 inches in width. The service door shall not be on the water body side of the structure;
12 no more than one garage style access door not exceeding 10 feet in width and no less than 8 feet in width. The garage style door shall be on the water body side of the structure.

The roof of a boathouse may be used as a deck provided that:

1 The boathouse has a flat roof.
2 The roof has no side walls or screens.
3 The roof may have a railing that meets the Department of Safety and Professional Services standards.

12.18.4-12 SUMMARY OF REGULATIONS FOR DETACHED ACCESSORY BUILDINGS

LOT SIZE	MAXIMUM NUMBER OF BUILDINGS	MAXIMUM SIZE (square feet)	MAXIMUM HEIGHT (feet)	YARD LOCATION	SIDE/REAR SETBACK
<15,000 SF	1 1	150 720	12 17	SIDE OR REAR SIDE OR REAR	5 FEET 5 FEET
15,000- 19,999 SF	1 1	150 1000	12 20	" "	" "
20,000- 39,999 SF	1 1	150 1,500	12 20	" "	" "
40,000- 79,999 SF	1 1	150 2,000	12 20	" "	10 FEET 10 FEET
80,000- 119,999 SF	1 2	150 2,500	12 20	" "	
120,000- 159,999 SF	1 2	150 3,000	12 20	" "	" "
160,000- 4.9 AC	1 2	150 3,500	12 20	" "	" "
5-5.9 AC	1 2	150 4,000	12 20	" "	" "
6-6.9 AC	1 2	150 4,500	12 20	" "	" "
7-7.9 AC	1 2	150 5,000	12 20	" "	" "
8-8.9 AC	1 2	150 5,500	12 20	" "	" "
9-9.9 AC	1 2	150 6,000	12 20	" "	" "
>10 AC	No Limit	No Limit	20	SIDE, REAR, STREET	25 FEET/ 50 FEET
R-9	No Limit	No Limit	20	SIDE OR REAR	"
R-10	No Limit	No Limit	20	SIDE OR REAR	"
R-11	No Limit	No Limit	20	SIDE OR REAR	"
R-12	1 1	150 720	12 17	SIDE OR REAR SIDE OR REAR	5 FEET 5 FEET

Q. DECKS & PATIOS

12.18.5-1 COMPLIANCE

It shall be unlawful to construct, install, enlarge, or alter any deck or patio as defined in this ordinance, except in compliance with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code.

12.18.5-2 DISTRICTS

Decks may be located in all districts except the C-1 Lowland Resource Conservancy District and FPO Floodplain Overlay District.

Patios may be located in all districts except in the C-1 Lowland Resource Conservancy District.

12.18.5-3 PERMIT REQUIRED

All decks and only patios within the shoreyard setback, shall not be located, directed, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit from the Division of Planning Operations and without being in conformity with the provisions of this Ordinance, and State Statutes and the Wisconsin Administrative Code.

12.18.5-4 APPLICATION

All drawings and plans for the construction, installation, enlargement or alteration of any such deck and/or patio shall first be presented to the Division of Planning Operations for examination and approval as to proper size, location and construction.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the deck and/or patio. In the case of a deck, such plans shall also include vertical elevations of the accessory building.

12.18.5-5 SETBACK – DECK

A deck is permitted in any yard subject to the following:
Street Yard – as required by the district.
Side Yard – 10 feet into any required setback, but not less than 5 feet.
Rear Yard – 10 feet into any required setback, but not less than 15 feet.
Shore Yard – permitted in the required setback, in accordance with §59.692(1v) and subject to the following:

- Not less than 35 feet from the ordinary high water mark
- Not greater than 200 square feet in area, inclusive of patios, gazebos and screen houses within this setback.
- Submittal of a plan, approved by the Division of Planning Operations, that will be implemented by the owner of the property to preserve or establish a vegetative shoreland buffer area that covers at least 70% of the width at least 37.5 feet landward from the ordinary high water mark. The shoreland buffer area shall be established and maintained with applicable shoreland cutting provisions of section 12.18-2.

12.18.5-6 SETBACK – PATIO

A patio is permitted in any yard subject to the following:
Street Yard – as required by the district.
Side Yard – 5 feet.
Rear Yard – 5 feet.
Shore Yard – permitted in the required setback, in accordance with §59.692(1v) and subject to the following:

- Not less than 35 feet from the ordinary high water mark
- Not greater than 200 square feet in area, inclusive of patios, gazebos and screen houses within this setback.
- Submittal of a plan, approved by the Division of Planning Operations, that will be implemented by the owner of the property to preserve or establish a vegetative shoreland buffer area that covers at least 70% of the width at least 37.5 feet landward from the ordinary high water mark. The shoreland buffer area shall be established and maintained with applicable shoreland cutting provisions of section 12.18-2.

R. ACCESSORY LIVING UNIT

12.18.6-1 PERMIT REQUIRED

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of an Accessory Living Unit, as defined in this ordinance, without a zoning permit from the Division of Planning & Development and without being in conformity with the provisions of this Ordinance, State Statutes and the Wisconsin Administrative Code.

12.18.6-2 DISTRICTS

Accessory Living Units may be located in the A-1, A-2, C-2, R-1, R-2, R-3, R-4, R-5, R-6 Districts.

12.18.6-3 APPLICATION

All drawings and plans for the construction, installation, enlargement or alteration of any such Accessory Living Unit shall first be presented to the Division of Planning & Development for examination.

All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all floor plans, lot lines and all information pertaining to the Accessory Living Unit.

12.18.6-4 REQUIREMENTS

The following rules apply to an Accessory Living Unit.

(a) Only one Accessory Living Unit is permitted per single-family dwelling.

(b) The Accessory Living Unit shall not exceed 600 square feet in area.

(c) No more than two people may reside in the Accessory Living Unit.

(d) The entire structure must appear or continue to appear as a single-family dwelling. A separate garage or driveway is not permitted.

(e) No separate address is permitted.

(f) No separate utility connections and/or meters are permitted.

(g) A physical access between the main living unit and the accessory living unit must be present within the single-family dwelling unit. The required connection may not be through an attic, basement, garage, porch or other non-living area. A door may be used to separate the accessory living unit from the rest of the single-family dwelling unit.

(h) In addition to the internal physical connection required above, only one separate outdoor side or rear access, being a patio door, may be provided; however, the structure shall continue to appear as a typical single-family dwelling.

(i) An external stairway which serves the Accessory Living Unit is prohibited.

(j) The Accessory Living Unit may contain a separate bathroom, laundry, living, efficiency kitchen, sleeping (one bedroom) and recreation areas, including exterior porches, patios, and/or decks.

(k) The Accessory Living Unit shall be occupied by a resident related through blood, marriage or adoption to the resident occupant of the single-family dwelling.

(l) An Accessory Living Unit should be considered and regulated as part of, or as a permitted addition to, a single-family dwelling. It shall not require conditional use approval or special site plan review.

(m) When an application is submitted for a zoning permit to accommodate what is explicitly listed as, or could possibly be, an Accessory Living Unit, the building plan shall be marked as "Not a separate dwelling unit nor apartment."

(n) A standardized affidavit affecting real estate shall be attached to the zoning permit and recorded in the Register of Deeds.

S. TEMPORARY USES

12.18.7-1 PURPOSE

As permitted in 12.08-1(e) of this ordinance, the temporary use regulations of this section are intended to allow such occasional, temporary uses and activities when consistent with the overall purposes of this zoning ordinance and the uses allowed in a particular zoning district, and when the operation of the temporary use will not be detrimental to the public health, safety or general welfare.

The nature, character or circumstances of temporary uses are unique and dependent upon specific conditions. Therefore, specifying all temporary uses and associated standards, regulations or conditions necessary or appropriate for a temporary use permit to be granted is not practical.

12.18.7-2 TEMPORARY USES NOT REQUIRING A ZONING PERMIT

Although it is recognized that it is neither possible nor practical to list all of the temporary uses not needing a zoning permit, the following are allowed subject to the listed conditions:

(a) Handicap Ramp

A temporary handicap ramp is allowed to be constructed to provide access to a residential dwelling that does not meet the setback requirements of this ordinance.

1. The temporary handicap ramp shall be used solely for the purpose of handicapped accessibility to the residential dwelling. Any additional uses other than handicapped accessibility are prohibited (i.e. recreational decks defined as any landing area larger than 4' x 6').
2. The temporary handicap ramp shall be designed to have the least deviation of applicable setbacks.
3. The property owner is responsible for removing the temporary handicapped ramp when it is no longer required by the occupants of the dwelling
4. Additional conditions may be imposed to ensure compliance with the provisions of this ordinance and all local, state and federal requirements.

(b) On-site Construction Trailers

1. Construction trailer(s) shall be located on the same property in which the construction project it services is taking place.
2. The site on which the construction trailer(s) is proposed to be located shall have an active zoning, erosion control or stormwater permit issued by the Division of Planning Operations.
3. Construction trailer(s) shall be located in an area which is accessible for emergency vehicles.
4. Construction trailer(s) shall comply with all local, State and Federal requirements.
5. Construction trailer(s) shall be removed from the property prior to the issuance of a Certificate of Compliance for which the building or related site improvements have occurred. Where a project does not require the issuance of a Certificate of Compliance, construction trailer(s) shall be removed from the property prior to the expiration of the permit relative to the project.

(c) Temporary Portable Storage Containers

A temporary portable storage container (such as, but not limited to, those available from PODS or U-Haul) is a purpose-built, fully enclosed, box-like container to provide residential property owners temporary storage space for home remodeling, relocating, fire and/or water damage;

and cleaning out attics, basements, garages or other attached storage areas. A temporary portable storage container is not a storage shed, roll-off container, dumpster, cargo/shipping container or the trailer portion of a tractor-trailer.

1. Temporary portable storage containers shall only be permitted on lots with a principal building or structure.
2. Temporary portable storage containers shall not be used in conjunction with a home occupation or used as a principal use or principal building or structure.
3. All temporary portable storage containers shall display the container provider's contact information. Signs shall not contain other advertising for any other product or services.
4. Temporary portable storage containers shall not be inhabited.
5. Containers may not be placed in any road right-of-way, vision triangle, sidewalk, and landscape or drainage easement.
6. Due to the temporary nature of temporary portable storage containers, location in a driveway or yard may be acceptable.
7. Temporary portable storage containers shall be permitted on a lot for a period not to exceed thirty (30) consecutive days within a six (6) month period. For extensive construction projects a written extension may be granted by Planning & Development.
8. Maximum cumulative size of all temporary portable storage containers on a property may not exceed 130 square feet.
9. Portable storage containers may not exceed a height of 8½ feet. The height of such structures is measured from the lowest ground level adjacent to the structure to the top of the structure. Stacking of containers is prohibited.

(d) Yard Sales

1. Not to exceed four (4) days in duration
2. No more than one (1) yard sale in any two (2) month period.

12.18.7-3 TEMPORARY USES REQUIRING A ZONING PERMIT

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of a temporary use, as defined in this ordinance, without a zoning permit from the Division of Planning & Development and without being in conformity with the provisions of this Ordinance and local, State and Federal requirements. Although it is recognized that it is neither possible nor practical to list all the temporary uses for which a zoning permit is required, the following are allowed subject to the listed conditions:

(a) Two single-family dwellings on one property

A new single-family dwelling is allowed to be constructed on an existing lot with an existing single-family dwelling.

1. The underlying zoning district allows for a single-family dwelling.
2. The existing single-family dwelling is razed no later than a mutually agreed date determined by the Division of Planning Operations and the applicant. Such action may require a raze permit from the Town.
3. The occupant(s) of the existing dwelling is (are) allowed to live in the existing dwelling while the new single-family dwelling is being constructed on the property.
4. Only one dwelling shall be occupied at a time.
5. The new single-family dwelling shall comply with all setback requirements of the underlying zoning district and shall be located a minimum of 10 feet from the existing dwelling.

6. A standardized affidavit affecting real estate, referencing the mutually agreed date the second single-family dwelling is to be razed, shall be attached to the zoning permit and recorded in the register of deeds.

(b) Temporary residence during reconstruction of a single-family dwelling due to natural disaster in only the A-1 and A-2 zoning districts

A manufactured home may be used as a temporary dwelling while the existing single-family dwelling is being reconstructed due to a natural disaster.

1. Such use shall only be permitted in the A-1 or A-2 zoning district and then only when there is proven need to provide 24-hour presence on the property for the raising of livestock or horses.
2. Such use shall be granted for six (6) months unless approved for an additional six (6) months.
3. The manufactured home shall be removed from the property within 30 days of obtaining an occupancy permit from the Town or by the expiration date of the zoning permit for the single-family residence to be reconstructed, whichever comes first.
4. Only the occupant(s) of the existing single-family dwelling are allowed to live in the manufactured home while the single-family dwelling is being reconstructed on the property.
5. Only one dwelling shall be occupied at a time.
6. The manufactured home shall comply with all setback requirements of the underlying zoning district and shall be located a minimum of 10 feet from the existing dwelling.
7. All sanitary codes shall be complied with.
8. A standardized affidavit affecting real estate shall be attached to the zoning permit and recorded in the register of deeds.

12.18.7-4 TEMPORARY USES REQUIRING APPROVAL BY THE BOARD OF ADJUSTMENTS

It shall be unlawful to proceed with the operation, construction, installation, enlargement or alteration of a temporary use, as defined in this ordinance, without first obtaining approval from the Kenosha County Board of Adjustments in compliance with 12.36-5(a)5 of this ordinance and also obtaining any applicable zoning permit or certificate of compliance from the Division of Planning & Development being in conformity with the provisions of this Ordinance, and local, State and Federal requirements. Although it is recognized that it is neither possible nor practical to list all the temporary uses for which Board of Adjustment approval is needed, the following are allowed subject to Board of Adjustment approval:

(a) Circus, Concerts and Festival events less than 5,000 people
(b) Christmas Tree sales
(c) Classrooms
(d) Fireworks Stands
(e) Food Stands
(f) Fruit and Vegetable Stands
(g) Horse Shows and Rodeos
(h) Model Home Sales Office
(i) Real Estate Sales Offices
(j) Recreational Vehicle Races and Events
(k) Sales Office
(l) Vacant Lot Tent Sales

T. LIGHTING

12.18.8-1 EXTERIOR LIGHTING STANDARDS

The requirements of this Section apply to all private exterior lighting within the business, manufacturing, institutional and park-recreational districts.

(a) Orientation of Fixtures. Except for security lighting, outdoor recreational facility lighting or flag lighting, in no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from any abutting right-of-way or adjacent property. The use of fully shielded fixtures (as defined in the Wisconsin Model Exterior Lighting Ordinance) is required and careful fixture placement and maintenance is encouraged so as to facilitate compliance with this requirement.

1 Building Lighting. Ground-mounted light fixtures for building lighting shall be carefully located, aimed and shielded so that light is directed only onto the building façade.

2 Service Station Canopy Lighting. Light fixtures mounted on the bottom surface of service station canopies shall be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy.

3 Wall Lighting. Wall-mounted light fixtures shall be aimed and shielded so that illumination is directed below a horizontal plane through the top of the lighting fixture.

(b) Intensity of Illumination. In no instance shall the amount of illumination attributable to exterior lighting as measured at the property line exceed 0.5 footcandles above ambient lighting conditions on a cloudless night. This will be verified by a photometric plan of the property.

(c) Minimum Parking Lot Lighting. All areas designated on required site plans for vehicular parking, loading or circulation and used for any such purpose shall provide artificial illumination in those areas at a minimum average intensity of 2 footcandles.

(d) Height. Light fixtures shall not be more than 25 feet above ground level for parking lots serving 20 or fewer parking spaces, nor more than 30 feet above ground level for parking lots with more than 20 spaces.

(e) Flashing, Flickering and Other Distractive Lighting. Flashing, flickering and/or other lighting which may distract motorists is prohibited.

(f) Nonconforming Lighting. All lighting fixtures existing prior to the effective date of this Section and that do not comply with the provisions of this Section shall be considered as legal nonconforming uses. The replacement of nonconforming fixtures after the effective date of this Section shall be done so with fixtures which fully comply with the provisions of this Section.

(g) Exemptions. Lighting placed in a public right-of-way for public safety shall be exempt from the provisions of this Section.

(h) Special Uses. Lighting for outdoor recreational facilities such as athletic fields, courts, tracks, golf courses and driving ranges, shooting ranges, swimming pools, ski hills or amusement parks and

fairgrounds may be exempt from the provisions of this Section, but shall meet accepted minimum design standards for the intended use. Lighting plans for outdoor recreational facilities shall be subject to review and approval by Planning and Development.

U. LANDSCAPING

12.18.9-1 PURPOSE

The purpose of this Subchapter is to indicate the minimum requirements for the landscaping of new development and redevelopment of any multi-family residential, business, manufacturing, and institutional district except for development requiring the platting process, in which case the landscaping plan shall be included with the submittal of all preliminary plats to be approved during the platting process by Planning and Development.

12.18.9-2 LANDSCAPE PLAN REQUIRED

A landscape plan shall be prepared by a registered Landscape Architect for all new development or redevelopment. The landscape plan shall provide for and address landscaping for open yard area, landscaping for building foundations, landscaping for street frontage, and landscaping for paved areas including loading areas. The Landscape Architect shall stamp and certify in writing that the plan is complete and accurately depicts and complies with the standards set forth in this Ordinance.

Following installation of landscaping, a written certification shall be submitted by the Landscape Architect certifying that all the required landscape materials specified on the plan have been installed in conformance with the landscape plan as approved by the Kenosha County Department of Planning and Development. The development applicant shall commit, in writing, to maintain all required landscaping. The requirement that landscape plans and specifications be certified by a Landscape Architect may be waived by the Kenosha County Department of Planning and Development. Refer to the "Tree and Shrub Selection Guide" for plant requirements.

The landscape plan shall be drawn on a site plan that includes:

(a) A graphic scale (not smaller than 1" = 40').
(b) A North Arrow.
(c) Date drafted.
(d) Property lines, easements, and street rights-of-way with dimensions.
(e) Location and dimensions of all landscaped areas; location and botanical name and size of all plant materials and ground cover; and the location of pertinent landscape features.
(f) Location of existing and proposed utility improvements.
(g) Proposed layout of vehicular use areas including the location, dimensions of parking spaces, parking lot islands, interior plantings, pedestrian walkways and circulation aisles.
(h) Location of all existing significant trees on the site that the applicant proposes to remove; the location of all existing trees with a diameter breast height (dbh) greater than 5 inches which are to be retained and counted towards minimum requirements.
(i) The location, design, height and building material of proposed walls, planter boxes, and fences.
(j) The direction of street and parking lot traffic using one-way or two-way arrows.
(k) The location and extent of all waterways, wetlands and water features.
(l) The location and extent of all primary and secondary environmental corridors as mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

12.18.9-3 PRESERVATION OF EXISTING VEGETATION

Every attempt shall be made by the developer/applicant to preserve existing trees with a diameter breast height (dbh) of at least 5 inches and significant trees which are to be counted towards minimum requirements. Significant tree(s) are any tree or grouping of trees which has been determined to be of high value by the Kenosha County Department of Planning and Development staff because of its size

(24" or greater DBH), age, historic significance or other professional criteria. When it is necessary to remove significant trees, the developer shall replace 24" caliper or larger deciduous trees with six 3" caliper deciduous trees, Conifers 24" caliper or larger may be replaced with two 10' tall conifers or three 6'-8' coniferous trees. Existing trees to be saved during construction shall have a protective fence placed around the tree at the drip line.

12.18.9-4 HARDSCAPING

On unique site or sites with unique design opportunities, or properties located within the Town Center Overlay District, hard landscaping features (such as sculptures or statues, walls, foundations, benches, scenic viewpoints, and scenic walkways) may be incorporated into a landscape in lieu of plantings, subject to review by the Kenosha County Department of Planning and Development staff. Landscaping provided by hardscaping shall not preclude the need to provide plantings in other areas of the development.

12.18.9-5 LANDSCAPING REQUIRED FOR OPEN YARD AREAS

All lots shall provide a minimum amount of landscaping provided on the basis of open yard area which shall provide a combination of deciduous, evergreen, ornamental trees and shrubs. Landscaping for open yard area is intended to provide yard shade and to screen detached exterior appurtences such as HVAC, utility boxes, standpipes, storm water discharge pipes and other pipes. Landscaping for this purpose is most effective if located away from buildings. Landscaping for open yard area shall be:

1. In Multi-Family Residential Districts (not requiring the platting process): A minimum of 2 evergreen or deciduous trees per 1,000 square feet of open yard area; 2 ornamental trees or 2 shrubs shall equal one evergreen or deciduous tree.
2. In Business, Manufacturing and Institutional Districts: A minimum of 1 evergreen or deciduous trees per 1,000 square feet of open yard area; 2 ornamental trees or 2 shrubs shall equal one evergreen or deciduous tree.

12.18.9-6 LANDSCAPING REQUIRED FOR BUILDING FOUNDATIONS

All lots shall provide a minimum amount of landscaping for building foundations which shall provide a combination of ornamental trees and shrubs Landscaping required for building foundations shall be placed so that, at maturity, the plants' drip line is located within 10 feet of the building's foundation. Larger trees shall not be used to meet this requirement. The intent is to provide a visual break in the mass of buildings and to provide a visual for all appurtenances such as HVAC, utility boxes, standpipes, storm water discharge pipes and other pipes extending from the building. Landscaping for building foundations shall be:

1. In Multi-Family Residential Districts (not requiring the platting process): A minimum of 1 ornamental tree per 20 feet of building foundation.2 shrubs shall equal 1 ornamental tree.
2. In Business, Manufacturing and Institutional Districts: A minimum of 1 ornamental tree per 20 feet of building foundation.2 shrubs shall equal 1 ornamental tree.

12.18.9-7 LANDSCAPING REQUIRED FOR STREET FRONTAGE

All lots shall provide a minimum of landscaping in those areas that abut the right-of-way of a public highway, street or road to visually soften the appearance of development, which shall provide a combination of deciduous, evergreen, ornamental trees and shrubs. Front yard landscaping shall not,

however, impede vehicle or pedestrian visibility and shall comply with the traffic visibility (vision triangle) requirements of Section 12.13-1. Shrubs shall not be used to meet this requirement.

1. In Multi-Family Residential Districts (not requiring the platting process): A minimum of 1 evergreen or deciduous trees per 30 feet of street frontage. 2 ornamental trees or 2 shrubs shall equal one evergreen or deciduous tree.
2. In Business, Manufacturing and Institutional Districts: A minimum of 1 evergreen or deciduous trees per 50 feet of street frontage. 2 ornamental trees or 2 shrubs shall equal one evergreen or deciduous tree

12.18.9-8 LANDSCAPING REQUIRED FOR PARKING AREAS

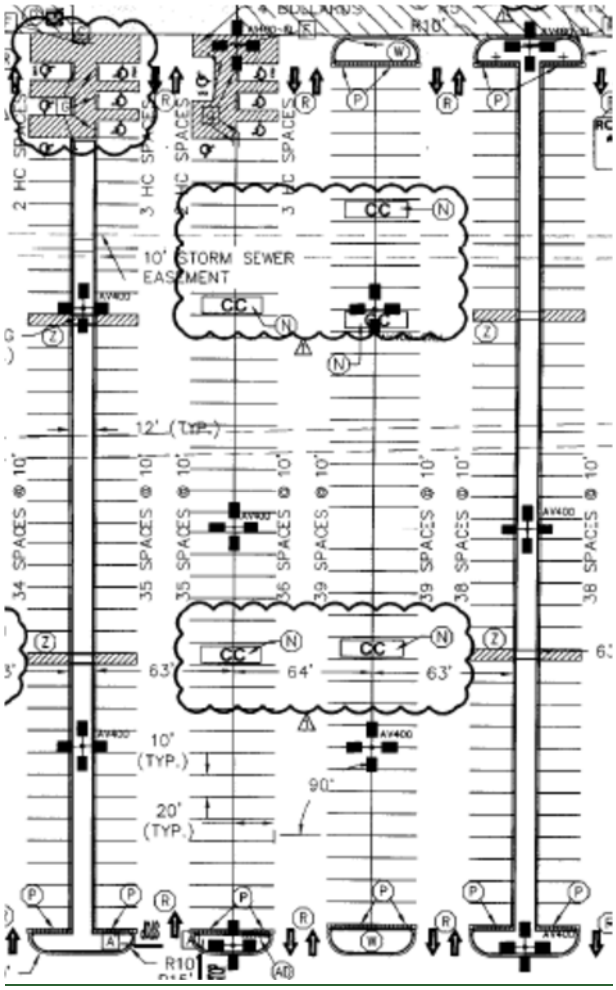
All parking areas shall provide a minimum of landscaping around the perimeter, which shall provide a combination of deciduous, evergreen, ornamental trees and shrubs. All landscaped areas located adjacent to a parking lot shall be separated from the paved area by a continuous minimum 4-inch curb which is constructed of concrete. The use of berms shall constitute over 75% of the parking areas abutting a right-of-way. The berm shall be designed to be meandering and undulating with a minimum height of four feet with slopes no greater than 4:1. Landscaping for parking lot perimeters shall be:

1. In Multi-Family Residential Districts (not requiring the platting process): A minimum of 1 evergreen or deciduous trees per 25 feet. 2 ornamental trees or 4 shrubs shall equal one evergreen or deciduous tree.
2. In Business, Manufacturing and Institutional Districts: A minimum of 1 evergreen or deciduous trees per 25 feet. 2 ornamental trees or 4 shrubs shall equal one evergreen or deciduous tree.
3. In 1. and 2. above, when abutting a residential district or use, deciduous and ornamental trees and/or shrubs are not permitted.

12.18.9-9 LANDSCAPING REQUIRED IN PARKING AREA INTERIORS

All off-street parking areas in which the parking aisle or parking bay does not terminate with a landscaped buffer yard shall have a landscaped island. The minimum size of each landscaped island shall be 160 square feet and contain at least 1 deciduous or ornamental tree. At a minimum, every third parking bay (defined grouping of parking stalls) shall have a continuous landscaped planting strip of not less than eight (8) feet in width running the entire length of the parking bay and shall contain at least 1 deciduous or ornamental tree per 50 feet.

Location of landscaped areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Kenosha County Department of Planning and Development staff. All plans for proposed parking areas shall include a topographic survey and grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of required minimum landscaped area.


10' STORM SEWER
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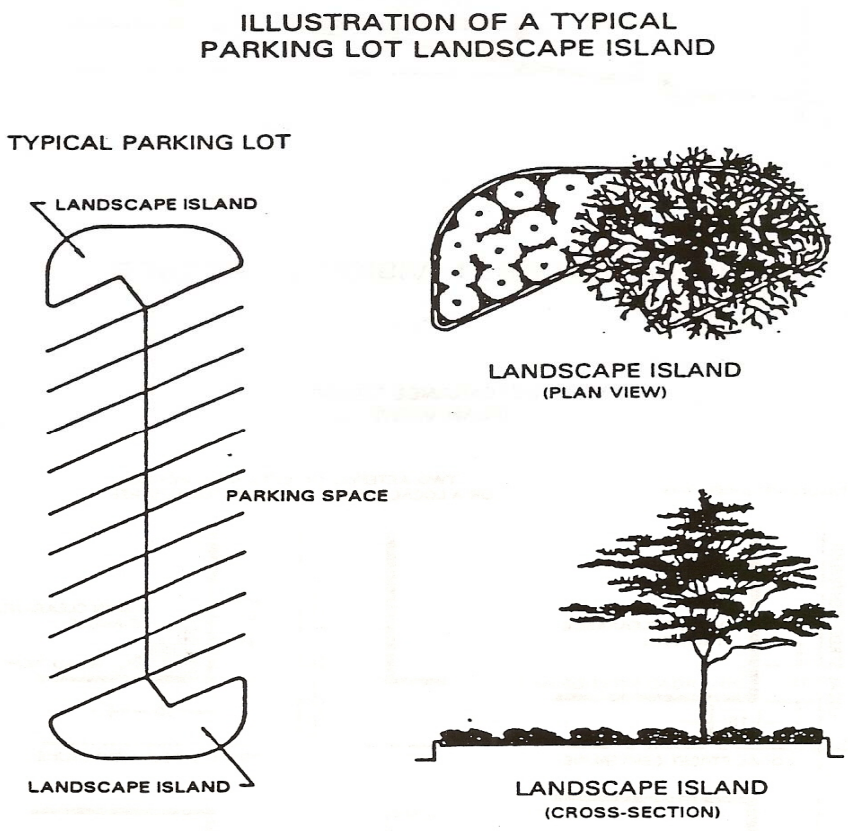


12.18.9-10 REQUIREMENTS FOR SINGLE-FAMILY, TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT

The landscaping plan shall be included with the submittal of all preliminary plats to be approved during the platting process by the Department of Planning and Development.

IV. DISTRICT REGULATIONS

A. ZONING DISTRICTS

12.19-1 ESTABLISHMENT (3/16/04)
For the purpose of this ordinance, Kenosha County, Wisconsin is hereby divided into thirty-three ~~twenty-nine~~ (~~29~~33) basic zoning districts and ~~seven~~ six (~~7~~6) overlay districts as follows:

A-1 Agricultural Preservation District
A-2 General Agricultural District
A-3 Agricultural Related Manufacturing, Warehousing and Marketing District
A-4 Agricultural Land Holding District
AE-1 Agricultural Equestrian Cluster Single-Family District

R-1 Rural Residential District
R-2 Suburban Single-Family Residential District
R-3 Urban Single-Family Residential District
R-4 Urban Single-Family Residential District
R-5 Urban Single-Family Residential District
R-6 Urban Single-Family Residential District
R-7 Suburban Two-Family and Three-Family Residential District
R-8 Urban Two-Family Residential District
R-9 Multiple-Family Residential District
R-10 Multiple-Family Residential District
R-11 Multiple-Family Residential District
R-12 Mobile Home/Manufactured Home Park-Subdivision District

B-1 Neighborhood Business District
B-2 Community Business District
B-3 Highway Business District
B-4 Planned Business District
B-5 Wholesale Trade and Warehousing District (8/9/94)
--- Adult Establishments (3/16/04)
BP-1 Business Park District
B-94 Interstate Highway 94 Special Use Business District

M-1 Limited Manufacturing District
M-2 Heavy Manufacturing District
M-3 Mineral Extraction District (8/20/91)
M-4 Sanitary Landfill and Hazardous Waste Disposal District (8/20/91)

I-1 Institutional District
PR-1 Park-Recreational District

C-1 Lowland Resource Conservancy District
C-2 Upland Resource Conservancy District

FPO Floodplain Overlay District
~~FWO Camp Lake/Center Lake Floodway Overlay District (3/1/94)~~
~~FFO Camp Lake/Center Lake Floodplain Fringe Overlay District (3/1/94)~~
HO Historical Overlay District
PUD Planned Unit Development Overlay District
AO Airport Overlay District
RC Rural Cluster Development Overlay District
TCO Town Center Overlay District

12.19-2 DISTRICT DELINEATION

In determining which parcels of land shall be located in the above districts so as to accomplish the intended purpose of these districts, the Kenosha County Department of Planning and Development and the Planning, Development & Extension Education Committee shall make use of, without limitation due to enumeration, all pertinent resources, data, statistics, tables, charts and maps relating to existing land use, adjacent land use, soils, future development, and existing and proposed roads and utilities. (11/5/84)

B. AGRICULTURAL DISTRICTS

12.20-1 A-1 AGRICULTURAL PRESERVATION DISTRICT

(a) Primary Purpose and Characteristics.

The Kenosha County Board of Supervisors recognizes that the rapid conversion of farm land to urban use has led to increasing public concern over such conversion. This concern centers on the perceived loss of the local agriculture economic base, loss of agricultural land as a valuable natural resource with the attendant loss of the aesthetic and environmental values associated with that resource, and the loss of the rural lifestyle and the unique cultural heritage which emanates from that lifestyle, and the attendant high costs of providing urban services as well as resolving potential urban-rural conflicts which arise as a result of urban encroachment into rural areas. Therefore, the A-1 Agricultural Preservation District is intended to maintain, enhance, and preserve agricultural lands historically utilized for crop production and the raising of livestock. The preservation of such agricultural lands is intended to conserve energy, prevent urban sprawl, maintain open space, retain natural systems and natural processes, control public cost, preserve the local economic base, promote local self-sufficiency, preserve the rural life-style, and maintain regional, state and national agricultural reserves. The District is further intended to prevent the premature conversion of agricultural land to scattered residential, commercial and industrial uses.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal uses. (8/6/02)

~~2~~1 Apiculture (Beekeeping)

~~3~~2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements

~~4~~3 Contract sorting, grading and packaging of fruits and vegetables

~~5~~4 Corn shelling

~~6~~5 Dairy farming and general agriculture

~~7~~6 Essential Services

~~8~~7 One single-family dwelling (9/5/06)

~~9~~8 General farm buildings including agricultural windmills, barns, silos, sheds and storage bins provided, however, that said structures are located at least 100 feet away from any off-premise neighboring residential buildings (6/2/92)

~~10~~9 Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a non-conforming 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 farm dwelling as set forth in section 12.29-8(b)(113) of this ordinance

~~11~~10 Single-family residence on lots of record created prior to the adoption of this ordinance where said existing lot is less than 35 acres, (see section 12.28-5)

~~12~~11 Floriculture (cultivation of ornamental flowering plants)

~~13~~12 Forest and game management
~~14~~13 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
~~15~~14 Grazing or Pasturing
~~16~~15 Greenhouses, not including retail sales of plants and flowers
~~17~~16 Hay baling
~~18~~17 Livestock raising, except commercial feed lot and fur farms
~~19~~18 Orchards
~~20~~19 Paddocks
~~21~~20 Pea viners
~~22~~21 Plant nurseries
~~23~~22 Poultry raising, except commercial egg production and commercial poultry feed lots
~~24~~23 Raising of grain, grass, mint and seed crops
~~25~~24 Raising of tree fruits, nuts and berries
~~26~~25 Riding stables and indoor riding arenas (private)
~~27~~26 Sod farming
~~28~~27 Threshing services
~~29~~28 Vegetable raising
~~30~~29 Viticulture (grape growing)

(c) Accessory Uses (8/6/02)

1 Feed lot (not commercial and only for permitted farm uses)
2 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6)
3 Home occupations and professional home offices
4 Roadside stands (one such stand permitted only for selected farm products produced on the premises and not exceeding 300 square feet in floor area)
5 Small wind energy system
~~4~~6 Solar energy system
~~5~~7 Storage, curing, drying, churning and packaging of products and crops produced on the land provided, however, such products are not processed on the land and provided further that such products are not commercially sold as part of a retail business conducted on the land
~~6~~8 Swimming pools and spas (see also section 12.17)
9 Fences (see also section 12.15-2)
~~7~~10 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Air strips, landing fields and hangars for personal or agricultural related uses
2 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
3 Concrete and asphalt batch plants temporarily located on a parcel
4 Event Barns
~~4~~5 Gas and electric utility uses not requiring authorization under Wisconsin Statutes, section 196.491(3)
~~5~~6 Housing for farm laborers or caretakers
~~6~~7 Housing for seasonal or migratory farm workers
~~7~~8 Kennels (Commercial or noncommercial)

9 A second single-family farm related residential dwelling
~~8~~10 Large wind energy system
~~9~~11 Storage of recreational vehicles, boats or snowmobiles
~~10~~12 Utility substation
~~11 Wind energy conversion systems~~
~~12~~13 Bed and breakfast establishments (8/9/94)
~~13~~14 Riding stables and indoor riding arenas (public)
~~14~~15 Borrow pits (temporary); stockpiling or filling of clean fill materials

(e) Parcel Area and Width

1 Farm structures hereafter erected, placed, moved or structurally altered and related farm activities shall provide a contiguous area of not less than thirty-five (35) acres and no farm shall have a frontage of less than 600 feet in width.

(f) Building Type, Separation, Number, Height and Area

1 No structure or improvement may be built on any land in the A-1, Agricultural Preservation District unless said structure or improvement is consistent with agricultural uses.
2 For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this ordinance may be separated from a larger farm parcel.
3 No farm buildings or parts of farm buildings shall exceed 100 feet in height
4 No residential dwelling or part thereof, shall exceed 35 feet in height
5 A total minimum floor area of a residential dwelling shall be a minimum of 1000 square feet with a minimum first floor area of 1000 square feet. All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from the right-of-way of all other roads (8/6/02)
2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)
3 Side yard - not less than 25 feet in width on each side of all structures
4 Rear yard - not less than 50 feet

(h) Authorized Sanitary Sewer System

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

(i) Rezoning, Conditional Uses, and Enforcement

Any rezoning of any parcel of land in the A-1 Agricultural Preservation District shall be in accordance with Wisconsin Statute, section 91.48. Furthermore, the Department of Agriculture shall be notified of the approval of any conditional use permits in the A-1 District. Enforcement provisions necessary for the proper administration of the Farmland Preservation Act shall be as specified in Chapter 91 of the Wisconsin Statutes.

12.20-2 A-2 GENERAL AGRICULTURAL DISTRICT

(a) Primary purpose and characteristics.

The A-2 General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Agricultural Preservation District 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.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses.

In addition to those principal uses permitted in the A-1 Agricultural Preservation District, the following are deemed to be principal uses in the A-2 General Agricultural District:

1 (Reserved for future use) (8/6/02)
2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
3 Equestrian trails
4 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
5 (Reserved for future use) (8/6/02)

(c) Accessory Uses

1 Those accessory uses permitted in the A-1 Agricultural Preservation District
2 Small wind energy system
~~2~~3 Solar energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

~~2~~1 Air strips, landing fields and hangars for personal or agricultural related uses
~~3~~2 Assemblies over 5000 or more individuals
~~4~~3 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
~~5~~4 Concrete and asphalt batch plant temporarily located on a parcel
5 Event Barns
6 Housing for farm laborers or caretakers
7 Kennels (commercial or noncommercial)
~~7~~8 Large wind energy system
~~8~~9 Storage of recreational vehicles, boats and snowmobiles
~~9~~10 Utility substations
~~10~~11 Bed and breakfast establishments (8/9/94)

~~11 Wind energy conversion systems~~

12 Borrow pits (temporary); stockpiling or filling of clean fill materials

13 Riding stables and indoor riding arenas (public)

(e) Parcel Area and Width

1 Parcels shall have a minimum area of ten (10) acres, and

2 All such parcels shall have a frontage of not less than 300 feet in width.

(f) Building Height and Area

1 No farm building or farm related building shall exceed 100 feet in height

2 No residential dwelling shall exceed 35 feet in height

3 The total minimum floor area of a residential dwelling shall be 1000 square feet with a minimum first floor area of 1000 square feet

4 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from the right-of-way of all other roads (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)

3 Side yard - not less than 25 feet in width on each side of all structures

4 Rear yard - not less than 50 feet

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system

2 Public sanitary sewer

12.20-3 A-3 AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING AND MARKETING DISTRICT

(a) Primary purpose and characteristics

The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial, commercial, marketing and service activities that are dependent upon or closely allied to the agricultural industry. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses.

~~9~~1 Agricultural warehousing (commercial)
~~10~~2 Seed and grain processing and preparation
~~11~~3 Blending and preparing of flour
~~12~~4 Breeding services
~~13~~5 Canning of fruits, vegetables, preserves, jams and jellies
~~14~~6 Commercial storage, curing, drying, churning, processing and packaging of agricultural products
~~15~~7 Contract sorting, grading and packaging services for fruits and vegetables
~~16~~8 Cornshelling, hay baling and threshing services
~~17~~9 Drying and dehydrating fruits and vegetables
~~18~~10 Fluid milk processing
~~19~~11 Fruit and vegetable pickling, vegetable sauces and seasoning, salad dressing preparation
~~20~~12 Fur farm
~~21~~13 Grain elevators and bulk storage of feed grains
~~22~~14 Grist mill services
~~23~~15 Milling of rice, vegetable and soybean oil
~~24~~16 Poultry and small game dressing and packing providing all operations shall be conducted within an enclosed building
~~25~~17 Poultry hatching services
~~26~~18 Preparation of cereals
~~27~~19 Preparation of feeds for animal and fowl
~~28~~20 Production of chocolate and cocoa
~~29~~21 Production of condensed and evaporated milk
~~30~~22 Production of creamery butter
~~31~~23 Production of flour and other grain mill product
~~32~~24 Production of frozen fruits, fruit juices, vegetables and other specialties
~~33~~25 Production of natural and processed cheese
~~34~~26 Production of wine, brandy and brandy spirits
~~35~~27 Sales or maintenance of farm implements and related equipment
~~36~~28 Sugar processing and production

~~37~~29 Wet milling of corn

(c) Accessory Uses

~~4~~1 Agricultural Windmills
2 Living quarters for not more than two watchmen or caretakers.
3 Small wind energy system
~~5~~4 Solar energy system

(d) Conditional Uses (see also section 12.29-8)

~~2~~1 Commercial egg production
~~3~~2 Commercial feed lot
~~4~~3 Concrete and asphalt batch plants temporarily located on a parcel
~~5~~4 Fertilizer production, sales, storage, mixing, and blending
5 Gasohol and fuel related alcohol plants
6 Large wind energy system
7 Livestock sale facilities
8 Malt production
9 Meat packing, slaughterhouse and production of sausages and other meat products
10 Processing and packaging of animal bedding materials (8/20/91)
11 Production of animal and marine fats and oils
12 Production of shortening, table oils, margarine and other edible fats and oils
13 Utility substations
~~14 Wind energy conversion systems~~

(e) Parcel Area and Width

1 Parcels shall have a minimum area of five (5) acres, and
2 All such parcels shall have a frontage of not less than 300 feet in width

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building located in an A-3 district shall exceed 100 feet in height
2 No maximum or minimum building areas shall be required in the A-3 District due to the variety of uses within this District and the diverse building demands of each use.
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)
2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
3 Side yard - not less than 25 feet in width on each side of all structures.
4 Rear yard - not less than 50 feet.

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system

2 Public sanitary sewer system

12.20-4 A-4 AGRICULTURAL LAND HOLDING DISTRICT

(a) Primary purpose and characteristics

The Kenosha County Board of Supervisors recognizes that the premature piecemeal conversion of farmland to urban use has led to increasing public concern over such conversion. This concern centers on the sprawling of urban population, the increasing cost of providing urban services, and the loss of agricultural lands as a valuable natural resource. Therefore, the Agricultural Land Holding District is intended to maintain and generally preserve for a limited time period those lands where urban expansion is proposed to take place on the adopted regional land use plan or other local land use plans that refine and detail the regional land use plan. It is intended that the status of all areas placed in this district be reviewed by the Kenosha County Planning, Development & Extension Education Committee no less frequently than every two years to determine whether, in light of current development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses. (11/5/84)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal uses.

1 Apiculture (Beekeeping)
2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
3 Contract sorting, grading and packaging of fruits and vegetables
4 Corn shelling
5 Dairy farming and general agriculture
6 Essential Services
7 One Farm Dwelling
8 General farm buildings including agricultural windmills, barns, silos, sheds and storage bins provided, however, that said structures are located at least 100 feet away from any off-premise neighboring residential buildings (6/2/92)
9 Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a non-conforming 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 farm dwelling as set forth in section 12.29-8(b)(113) of this ordinance
10 Single-family residence on lots of record created prior to the adoption of this ordinance where said existing lot is less than 35 acres, (see section 12.28-5)
11 Floriculture (cultivation of ornamental flowering plants)
12 Forest and game management
13 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

14 Grazing or Pasturing
15 Greenhouses, not including retail sales of plants and flowers
16 Hay baling
17 Livestock raising, except commercial feed lot and fur farms
18 Orchards
19 Paddocks
20 Pea viners
21 Plant nurseries
22 Poultry raising, except commercial egg production and commercial poultry feed lots
23 Raising of grain, grass, mint and seed crops
24 Raising of tree fruits, nuts and berries
25 Sod farming
26 Threshing services
27 Vegetable raising
28 Viticulture (grape growing)

(c) Accessory Uses

1 Feed lot (not commercial and only for permitted farm uses)
2 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
3 Home occupations and professional home offices
4 Roadside stands (one such stand permitted only for selected farm products produced on the premises and not exceeding 300 square feet in floor area)
5 Small wind energy system
~~4~~6 Solar energy system
~~5~~7 Storage, curing, drying, churning and packaging of products and crops produced on the land provided, however, such products are not processed on the land and provided further that such products are not commercially sold as part of a retail business conducted on the land
~~6~~8 Swimming pools and spas (see also section 12.17) (8/6/02)
9 Fences (see also section 12.15-2) (8/6/02)
~~7~~10 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Air strips, landing fields and hangars for personal or agricultural related uses
2 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
3 Concrete and asphalt batch plants temporarily located on a parcel
4 Gas and electric utility uses not requiring authorization under Wisconsin Statutes, section 196.491(3)
5 Housing for farm laborers or caretakers (8/6/02)
6 Housing for seasonal or migratory farm workers
7 A second single-family farm related residential dwelling
8 Storage of recreational vehicles, boats or snowmobiles
9 Utility substation
10 ~~Wind energy conversion~~Large wind energy systems
11 Bed and breakfast establishments (8/9/94)
12 Borrow pits (temporary); stockpiling or filling of clean fill materials (8/6/02)

13 Riding stables and indoor arenas (public) (8/6/02)

(e) Parcel Area and Width

1 Farm structures hereafter erected, placed, moved or structurally altered and related farm activities shall provide a contiguous area of not less than thirty-five (35) acres and no farm shall have a frontage of less than 600 feet in width.

(f) Building Type, Separation, Number, Height and Area

1 No structure or improvement may be built on any land in the A-4, Agricultural Land Holding District unless said structure or improvement is consistent with agricultural uses.

2 For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this ordinance may be separated from a larger farm parcel.

3 No farm buildings or parts of farm buildings shall exceed 100 feet in height

4 No residential dwelling or part thereof, shall exceed 35 feet in height

5 A total minimum floor area of a residential dwelling shall be a minimum of 1000 square feet with a minimum first floor area of 1000 square feet

6 All residential dwellings shall be attached to a permanent foundation, be properly connected to required utilities, have a building footprint of not less than 24 feet in width, have a roof pitch of not less than 4/12, and an eave extension of at least six (6) inches. (8/6/02)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from the right-of-way of all other roads (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)

3 Side yard - not less than 25 feet in width on each side of all structures

4 Rear yard - not less than 50 feet

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system

2 Public sanitary sewer

12.20-5 AE-1 AGRICULTURAL EQUESTRIAN CLUSTER SINGLE-FAMILY DISTRICT (3/2/10)

(a) Primary purpose and characteristics.

The AE-1 Agricultural Equestrian Cluster Single-Family District is intended to preserve rural landscape character; sensitive natural resource areas; equestrian buildings, barns, paddocks, pastures, and scenic corridors (vistas); while permitting residential estate type housing on clustered lots as a secondary use and integrated as part of an equestrian facility. The AE-1 Agricultural Equestrian Cluster Single-Family District may be served either by on-site soil absorption sewage disposal systems or by public sanitary sewer facilities. Specific objectives are as follows:

1 To maintain and protect rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, and critical species habitat by setting them aside from development and allow for development of equestrian facilities.

2 To provide quality residential development that has direct access to equestrian facilities.

3 To preserve scenic views and to minimize views of new development from existing streets.

4 To provide for the unified and planned development of clustered single-family, low-density residential uses, incorporating large areas of permanent protected equestrian facilities, open space, and natural resources.

5 To provide for greater design flexibility in the siting of dwellings and equestrian features in order to minimize the disturbance of the rural landscape elements, scenic quality, and overall aesthetic value of the landscape.

6 To create groups of dwellings with direct visual and physical access to open space and equestrian trails while separating vehicular traffic from the equestrian facilities.

7 To permit equestrian use of open space by residents of the development and the public, when appropriate.

8 To create a network of equestrian trails between equestrian developments and public land.

(b) Principal Uses.

1 Equestrian Facility, private, confined to a single lot including equestrian buildings, such as, barns, arenas, silos, storage sheds, cribs, paddocks, and stables.
2 Clustered single-family detached dwellings.
3 Community living arrangements having a capacity for 8 or fewer persons and which shall be in conformance with all state statutory requirements.
4 Essential services.
5 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and which are in conformance with all state statutory requirements.

6 Open space, including:

a Conservation of land in its natural state (for example, woodland, fallow field, or managed meadow.)

b Wildlife sanctuary, forest preserve, or similar uses designated for the protection and propagation of wildlife.

c Pasture for horses

d Passive recreation, including, but not limited to, hiking trails, bridle trails, picnic areas, community gardens, and lawn area.

e Easements for access, drainage, sewer and water lines, pipelines, or other public purposes.

f Storm water management facilities including detention basins, retention basins, rain gardens, and other best management practices.

g Water supply, and sewerage systems for individual lots, cluster groups, or the entire development.

h Utility and street rights-of-way except that ~~there~~their land areas shall not count toward the minimum open space requirement.

(c) Residential Accessory Uses

1 Accessory structures such as detached garages, sheds, gazebos, and boathouses.

2 Home occupations and professional home offices.

3 Small wind energy system

~~2~~4 Solar energy system

~~3~~5 Swimming pools and spas.

6 Fences.

~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Equestrian Conditional Uses.

1 Private roads and gated entrances

2 Public equestrian facility offering services open to the public (such as riding classes, public riding hours, and shows)

3 Housing for Caretakers

4 Bridle equipment sales and repair (pro shop)

5 Utility substations

6 Wind energy systems

7 Solar energy systems

(e) Residential Conditional Uses

1 Private roads and gated entrances provided that said private roads: meet local unit of government road specifications and standards, are located within an access easement which shall be a minimum of 66 feet wide, are maintained by the Homeowners Association comprised of the owners of all lots within said equestrian development and meet all safety and access standards promulgated by the local unit of government fire and rescue officials.

2 Community living arrangements having 9 but not more than 15 persons which shall be in conformance with all state statutory requirements.

3 Utility substations
4 Wind energy systems
5 Solar energy systems
6 Community swimming pools
7 Community center for the use of residents not including equestrian facilities

(f) Required Facilities – The district requires that as a condition of approval there is an existing equestrian facility on the site with a minimum capacity of 100 horses, or that an equestrian facility will be built. For those circumstances when facilities are not in place there will be no zoning permits granted on the residential portion of the site until the equestrian facility is built according to submitted plan and guarantees made that it will remain for perpetuity through deed restrictions.

(g) Separation Distances for Residential Cluster Groups.

1 The outer boundaries of all residential cluster groups shall conform to the following separation distances:

From all tract boundaries	50 feet
From equestrian buildings, barns, and paddocks	50 feet
From other cluster groups	50 feet
From wetlands, floodplains, or navigable waterways	35 feet
From active recreation areas, such as courts or playing fields	50 feet

2 All separation areas for cluster groups along existing streets shall be landscaped in accordance with Section 14.08-15 of the Kenosha County Land Division Control Ordinance in order to block views of new residential development, preserve scenic views, and to protect rural landscape character.
3 The separation distances along existing arterial streets and tract boundaries may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen.

(h) Overall Density and Dimensional Standards

1	Minimum tract size	120 acres
2	Maximum density[a]	1 du/5 acres
3	Equestrian Facility/open space [b]	60 percent

a Existing dwellings that may or not be part of a farmstead shall be counted towards the total density. Housing for caretakers does not count toward density. Acres refer to gross land area including all lands within tract, except existing street, railroad, existing trail and existing utility rights-of-way and/or easements. Only 20 percent of wetlands and floodplain may be counted toward the calculation of density.
b In the calculation of equestrian/open space areas, the following shall be excluded: private residential lot areas; existing and/or planned public street rights-of-way and/or private street easements; existing public trail rights-of-way

and/or easements; and existing railroad and existing utility rights-of-way and/or easements.

(i) Lot Density and Dimensional Standards

1 For equestrian facility lots and residential dwelling lots:

Development Standard	Equestrian Facilities Lot	Residential lot
Minimum lot area	10 acres	60,000 sq. ft.
Minimum lot width [a]	300 feet	150 feet
Street yard	40 feet	50 feet
Shore yard	Not less than 75 feet from the ordinary high water mark of any navigable water	
Side yard	25 feet	25 feet
Rear yard	50 feet	50 feet
Accessory buildings setback and size regulation [b]	See section 12.27-6	See section 12.27-6
Maximum building height	65 feet for equestrian building; 35 feet for separate caretaker building - 35 feet	
Maximum building coverage	N/A	10 percent

a Lot frontage may be reduced on lots located on a cul-de-sac, court, or curve to feet provided there is at least 150 feet at the building setback line.

b Accessory buildings on residential lots are not permitted in front yards.

(j) Design Standards for Equestrian Facility

1 All equestrian facility, including equestrian buildings, such as, barns, arenas, silos, storage sheds, cribs, paddocks, and stables, must be contained to a single lot.

2 A site plan for the equestrian facility lot must be included as part of the plat and zoning petition.

3 A plat may contain only one lot with equestrian facilities.

4 In locating equestrian facilities, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a barns, arenas, silos, storage sheds, cribs, paddocks, and stables, and onsite soil absorption system.

5 Equestrian facility shall abut open space to the front or rear for a distance of at least 50 feet in order to provide direct access to the open space. Open space across a street located on the subject development property shall qualify for this requirement.

(k) Design Standards for Residential Cluster Groups.

1 All dwelling shall be grouped in clusters groups, each of which shall contain at least 2 but not more than 12 units and shall be surrounded by equestrian facility/open space.

2 Cluster groups may contain more than 12 units, and cluster groups may be assembled into larger groupings not separated by equestrian facility/open space, provided that the

applicant can demonstrate that such an alternative plan is more appropriate for the tract and will meet both the general intent and design standards of this ordinance.

3 A plat may contain one or more cluster groups.

4 Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and interior equestrian facility/open space. When the development does not contain individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 50 feet.

5 The outer boundaries of each cluster group shall meet the separation distances specified in Section 12.20-5(g).

6 Cluster groups shall be defined and separated by equestrian facility/open space in order to provide direct access to the equestrian facility/open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way or street easement is designed as a boulevard.

7 All lots in a cluster group shall take access from interior streets.

8 All lots in a cluster group shall abut equestrian facility/open space to the front or rear for a distance of at least 50 feet. Equestrian facility/open space across a street located on the subject development property shall qualify for this requirement.

9 In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and onsite soil absorption system.

10 Street trees shall be provided as required by the local unit of government land division or subdivision ordinance within which the development is located. If no such local unit of government land division or subdivision ordinances exists or requires the planting of street trees, street trees shall be required in cluster groups at a minimum rate of one 2-inch caliper tree per dwelling unit and shall comply with the requirements of Section 14.08-15 of the Kenosha County Land Division Control Ordinance.

(l) Design Standards for Open Space.

1 Open space shall consist of only those uses identified in section 12.20-5 (b) 6.

2 The location of Open space shall be consistent with the objectives of any applicable comprehensive plan or comprehensive plan component.

3 All open space areas shall be part of a larger contiguous and integrated open space system. At least 75 percent of the open space shall be contiguous to another open space area. For the purpose of this section, contiguous shall be defined as located within 50 feet across which access is possible, for example on opposite sides of an internal street.

4 Open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this ordinance. Primary and secondary environmental corridors and isolated natural areas as identified by the Southeastern Wisconsin Regional Planning Commission are of particular significance for protection.

5 Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural

processes, as recommended by professionals in the area being modified. Permitted modifications may include woodland management, reforestation, meadow management, wetlands management, stream bank protection, and buffer area landscaping.

6 All wetland, floodplain, unique wildlife habitat areas, steep slopes over 12 percent, 100 percent of lowland environmental corridor and at least 80 percent of upland primary environmental corridors shall be contained in open space.

7 Common boundaries with existing or future open space on adjacent tracts, when shown in an applicable comprehensive plan or comprehensive plan component, shall be established whenever possible.

8 To preserve scenic views, ridge tops and hill tops should be contained within open space wherever possible. Trees shall not be removed from ridge tops or hill tops.

9 At least 80 percent of the area of existing woodlands shall be contained within open space; 20 percent of the area of existing woodlands may be used for lot areas and residential development. This limitation may be exceeded under the following conditions:

a The site is primarily wooded and development at permitted density would not be possible without encroaching further on woodlands.

b Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density.

10 No open space shall be less than 10,000 square feet in area, with the exception of landscape islands in cul-de-sac streets, and not less than 30 feet in width at any point. Open space not meeting this standard shall not be counted toward the total required percentage of open space.

11 The boundaries of open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where open space ends and private lot areas begin. Where structural demarcations, such as fences or fence posts, are used, they shall be the minimum needed to accomplish the objective.

12 Trails in open space that abut residential lots in cluster groups shall be identified by plantings, fences, or other landscape features.

13 Under no circumstances shall all open space be isolated in one area of the development. Open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.

14 Open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

15 Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas. At least one access point per cluster group shall be provided, having a width equal to or greater than 50 feet. This width may be reduced to no less than 30 feet if the applicant can demonstrate that, meeting the lot width requirement would run counter to the objectives of this ordinance.

(m) Ownership and Maintenance of Common Facilities and Open space.

1 The following methods may be used, either singly or in combination, to own any common facilities (i.e. community swimming pools and community center) and/or open space. Common facilities and open space shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities and open space. Ownership methods shall conform to the following:

a Owners Association.
Common facilities and/or open space shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

1) The applicant shall provide to the Kenosha County Department of Planning and Development a description of the organization, including its bylaws and all documents governing maintenance requirements and use restrictions for common facilities and/or open space.
2) The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
4) The organization shall be responsible for maintenance and insurance of common facilities and/or open space.
5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities and/or open space.
6) The organization shall have or hire adequate personnel to administer, maintain, and operate common facility and/or open space.
7) The applicant for any tract proposed to contain common facilities and/or open space shall arrange with the Town Assessor a method of assessment of the common facilities and/or open space which will allocate to each tax parcel in the development a share of the total tax assessment for such common facilities and/or open space. Real estate taxes shall be paid by the individual unit owner directly to the Town.
8) Written notice of the proposed transfer of common facilities and/or open space by the homeowner's association or the assumption of maintenance of common facilities and/or open space must be given at all members of the organization and to the Town and County at least 39 days prior to such event.

b Condominium
Common facilities and/or equestrian facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved by the Town/County Attorney and shall be in conformance with the "Condominium Ownership Act" of 1977 (Chapter 703, Wisconsin Statutes), as amended. All open space and other common facilities shall be held as "common element" by

the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

c Fee simple dedication to a public agency.
The Town/County or other public entity acceptable to the Town/County may, but shall not be required to, accept any portion of the common facilities and/or open space, provided that:

1) There shall be no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance);
2) Any facilities so dedicated shall be accessible to the residents of the Town/County, if the Town/County so chooses;
3) The Town/County or other public entity shall maintain such common facilities and/or open space.
4) The equestrian facility owner shall hold a conservation easement on the land and facilities so dedicated, protecting the common facilities and/or open space from development in perpetuity.

d Dedication of conservation easements to a public agency. The Town/County or other public agency acceptable to the Town/County may, but shall not be required to, accept easements for public use of any portion of the common facilities and/or open space, title of which is to remain in private ownership, provided that:

1) There shall be no cost of easement acquisition (other than costs incidental to the transfer of ownership, such as title insurance);
2) A satisfactory maintenance agreement shall be reached between the owner and the Town/County.
3) Lands under a Town/County easement may or may not be accessible to the residents of the Town/County.

e Fee simple dedication to a private conservation organization.
An owner may dedicate any portion of the common facilities to a private, not-for-profit conservation organization, provided that:

1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
2) The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions.
3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.

f Transfer of easements to a private conservation organization.

1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.

g Ownership retained by the original landowner and/or equestrian facility owner.

1) The Town/County and the residents of the development shall hold conservation easements on the land protecting it from any further development.
2) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

h Other methods acceptable to the Kenosha County Department of Planning and Development.

2 Maintenance and operation of common facilities and open space.

a A plan and narrative for the use, maintenance, and insurance of all common facilities and open space, including provisions for funding, shall be provided to and approved by the Kenosha County Department of Planning and Development prior to preliminary plan approval. Such plan shall:

1) Define ownership;
2) Establish necessary regular and periodic operation and maintenance responsibilities, including mowing schedules, weed control, planting schedules, clearing and cleanup.
3) Include a manure management plan.
4) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
5) At the discretion of the Kenosha County Department of Planning and Development, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities and open space for a maximum of one year.

b In the event that the organization(s) established to own and/or maintain common facilities and open space, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Town/County may serve written notice upon such organization, and upon the residents and owners of the uses related thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the

corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance, and any permits may be revoked or suspended. The Town/County may enter the premises and take corrective action.

c The costs of corrective action by the Town/County shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and open space and shall become a lien on said properties. The Town/County, at the time of entering upon such common facilities and open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

3 Leasing of common facilities and/or open space.
Common facilities and/or open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

a The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
b The common facilities and/or open space lands to be leased shall be maintained for the purpose set forth in the ordinance.
c The operation of such leased common facilities and/or open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
d The lease, and any transfer of assignment thereof, shall be subject to the approval of the Town/County Board.
e Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town/County Board.

4 Conservation.
Common facilities and open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Kenosha County Department of Planning and Development and duly recorded in the office of the County Register of Deeds.

C. RESIDENTIAL DISTRICTS

12.21-1 R-1 RURAL RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-1 Rural Residential District is intended to provide for single-family residential development, in a predominantly rural setting, at densities not to exceed 0.2 dwelling units per developable net acre.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
2 Essential Services
3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such a detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
2 Home occupations and professional home offices
3 Small wind energy system
~~1~~4 Solar energy system
~~2~~5 Swimming pools and spas (see also section 12.17) (8/6/02)
6 Fence (see also section 12.15) (8/6/02)
~~3~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons which shall be in conformance with all state statutory requirements
~~1~~2 Large wind energy system
~~2~~3 Model single-family homes and related temporary real estate sales office located within the model unit
~~3~~4 Utility substations
~~4 5 Wind energy conversion systems~~
5 Bed and breakfast establishments (8/9/94)

(e) Lot Area and Width

1 Lots shall have a minimum area of five acres
2 All lots shall have a frontage of not less than 300 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 150 feet of frontage provided there is at least 300 feet of width at the required building setback line

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height
2 The total minimum floor area of a dwelling shall be 1400 square feet with a minimum first floor area of 1000 square feet
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is

not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from the right-of-way of all other roads (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)

3 Side yard - not less than 25 feet in width on each side of all structures

4 Rear yard - not less than 50 feet

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system

2 Public sanitary sewer

12.21-2 R-2 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-2 Suburban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 1.1 dwelling units per developable net acre, served by on-site soil absorption sanitary sewage systems (septic tanks) and private wells. (8/6/02)

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
2 Essential Services
3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
2 Home occupations and professional home offices
3 Small wind energy system
~~3~~4 Solar energy system
~~4~~5 Swimming pools and spas (see also section 12.17) (8/6/02)
6 Fences (see also section 12.15) (8/6/02)
~~5~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
2 Model single-family home and related temporary real estate sales office located within the model unit
3 Utility substations
4 Bed and breakfast establishments (8/9/94)

(e) Lot Area and Width

1 Lots shall have a minimum area of 40,000 square feet
2 All lots shall be not less than 150 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 75 feet of frontage provided there is at least 150 feet of width at the required building setback line

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height
2 The total minimum floor area of the dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof

pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk high-ways and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system

2 Public sewer system

12.21-3 R-3 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-3 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 2.2 dwelling units per developable net acre, served only by public sanitary sewage facilities.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements

2 Essential Services

3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Home occupations and professional home offices

3 Small wind energy system

~~2~~4 Solar energy system

~~3~~5 Swimming pools and spas (see also section 12.17) (8/6/02)

6 Fences (see also section 12.15) (8/6/02)

~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements

2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit

3 Utility substation

4 Bed and breakfast establishments (8/9/94)

(e) Lot Area and Width

1 Lots shall have a minimum area of 20,000 square feet

2 All lots shall be not less than 100 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less ~~that~~than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from the right-of-way of all other roads (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)

3 Side yard - not less than 10 feet in width on each side of all structures

4 Rear yard - not less than 25 feet

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

12.21-4 R-4 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-4 Urban Single-Family Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per developable net acre served by public sanitary sewage facilities.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements

2 Essential Services

3 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Home occupations and professional home offices

3 Small wind energy system

~~2~~4 Solar energy system

~~3~~5 Swimming pools and spas (see also section 12.17) (8/6/02)

6 Fences (see also section 12.15) (8/6/02)

~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements

2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.

3 Utility substations

4 Bed and breakfast establishments (8/9/94)

(e) Lot Area and Width

1 Lots shall have a minimum of 15,000 square feet

2 All lots shall be not less than 90 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 45 feet of frontage provided there is at least 90 feet of width at the required building setback line

3 Unsewered lots in the shoreland. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof

pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 10 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

12.21-5 R-5 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-5 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 4.4 dwelling units per developable net acre, served by public sanitary sewage facilities.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
2 Essential Services
3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
2 Home occupations and professional home offices
3 Small wind energy system
~~2~~4 Solar energy system
~~3~~5 Swimming pools and spas (see also section 12.17) (8/6/02)
6 Fences (see also section 12.15) (8/6/02)
~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit
3 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum of 10,000 square feet
2 All lots shall be not less than 75 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 40 feet of frontage provided there is at least 75 feet of width at the required building setback line
3 Unsewered lots in the shoreland. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height
2 The total minimum floor area of a dwelling shall be 1000 square feet with a minimum first floor area of 800 square feet
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 10 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

12.21-6 R-6 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-6 Urban Single-Family Residential District is intended to accommodate existing single-family development where densities may reach 7.3 dwelling units per developable net acre in order that residences in these districts shall not be rendered nonconforming uses. The district further provides for new development to fill in voids in existing small lot subdivisions. All R-6 residential development should preferably be served by public sanitary sewage systems. Any additional lands or new subdivisions shall be considered for rezoning into this district only if the parcel in question abuts a city of the second class and furthermore abuts a residential subdivision located within the city of the second class and only if the individual parcels in the aforementioned subdivision are 6000 square feet per unit or less and served by public sanitary sewer.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
2 Essential Services
3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
4 One single-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
2 Home occupations and professional home offices
3 Small wind energy system
~~2~~4 Solar energy system
~~3~~5 Swimming pools and spas (see also section 12.17) (8/6/02)
6 Fences (see also section 12.15) (8/6/02)
~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
2 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum area of 6000 square feet
2 All lots shall be not less than 60 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 30 feet of frontage provided there is at least 60 feet of width at the required building setback line
3 Unsewered lots in the shoreland. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.
4 Sewered lots in the shoreland. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The total minimum floor area of a dwelling shall be 800 square feet with a minimum first floor area of 800 square feet

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 30 feet from the right-of-way of all Federal, State Trunk, or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 8 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system only for lots of record existing at the time of adoption of this ordinance

2 Public sanitary sewer

12.21-7 R-7 SUBURBAN TWO-FAMILY AND THREE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-7 Suburban Two-Family and Three-Family Residential District is intended to provide for two-family and three-family residential development in areas where public sanitary sewage facilities are not available, and densities do not exceed 1.1 dwelling units per developable net acre for two-family development and 1.3 dwelling units per net acre for three-family development.

(b) Principal Uses

1 Community living arrangements having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements

2 Essential Services

3 Foster family homes having less than four foster children and not exceeding eight total occupants and are in conformance with all state statutory requirements

4 One two-family dwelling or one three-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Home occupations and professional home offices

3 Small wind energy system

~~2~~4 Solar energy system

~~3~~5 Swimming pools and spas (see also section 12.17) (8/6/02)

6 Fences (see also section 12.15) (8/6/02)

~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having nine but not more than 15 persons and in conformance with all state statutory requirements

2 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit

3 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum area of 80,000 square feet for a two-family dwelling, and a minimum area of 100,000 square feet for a three-family home

2 All lots shall be not less than 150 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 75 feet of frontage provided there is at least 150 feet of width at the required building setback line

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The total minimum floor area of a two-family residential structure shall be 2,000 square feet or 1,000 square feet per unit. The minimum first floor area of the structure shall be 1,500 square feet.

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof

pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk high-ways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 20 feet in width on each side of all structures

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 On-site sewage disposal absorption system

12.21-8 R-8 URBAN TWO-FAMILY RESIDENTIAL DISTRICT

(a) The R-8 Urban Two-Family Residential District is intended to provide for two-family residential development at densities not to exceed 4.4 dwelling units per developable net acre served by public sanitary sewage facilities.

(b) Principal Uses

1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements

2 Essential services

3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

4 One two-family dwelling

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Home occupations and professional home offices

3 Small wind energy system

~~2~~4 Solar energy system

~~3~~5 Swimming pools and spas (see also section 12.17) (8/6/02)

6 Fences (see also section 12.15) (8/6/02)

~~4~~7 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements

2 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit

3 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum area of 20,000 square feet and

2 All lots shall be not less than 100 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The total minimum floor area of a two-family residential structure shall be 2000 square feet or 1000 square feet per unit. The minimum first floor area of the structure shall be 1500 square feet.

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 10 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

12.21-9 R-9 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-9 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 8.7 dwelling units per developable net acre, served by public sanitary sewage facilities. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

(b) Principal Uses

1 Community living arrangements having a capacity of 15 or fewer persons and which shall be in conformance with all state statutory requirements (2/18/92)

2 Essential services

3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Small wind energy system

~~1~~3 Solar energy system

~~2~~4 Swimming pools and spas (see also section 12.17) (8/6/02)

5 Fences (see also section 12.15) (8/6/02)

~~3~~6 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements for 16 or more persons and which are in conformance with all state statutory requirements (2/18/92)

2 Model apartments and model condominiums and related temporary real estate sales office located within the model unit

3 Multiple family dwellings not to exceed eight (8) units per structure with densities not to exceed 8.7 units per net acre served by public sanitary sewage facilities.

4 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum area of the larger of 10,000 square feet or 5,000 square feet per unit

2 All lots shall have a minimum width of 100 feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The minimum total floor area of a multiple-family residential structure shall be 1500 square feet, and the minimum first floor area of a multiple-family structure shall be 1,000 square feet. In addition thereto:

a efficiency or one-bedroom apartments shall have a minimum floor area per dwelling unit of 500 square feet

b two-bedroom apartments shall have a minimum floor area per dwelling unit of 750 square feet, and

c three or more bedroom apartments shall have a minimum floor area per dwelling unit of 1,000 square feet.

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public Sanitary Sewer

12.21-10 R-10 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-10 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 10.8 dwelling units per developable net acre served by public sanitary sewage facilities. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

(b) Principal Uses

1 Community living arrangements having a capacity of 15 or fewer persons and which shall be in conformance with all state statutory requirements (2/18/92)

2 Essential services

3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Small wind energy system

~~1~~3 Solar energy system

~~2~~4 Swimming pools and spas (see also section 12.17) (8/6/02)

5 Fences (see also section 12.15) (8/6/02)

~~3~~6 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements for 16 or more persons and which are in conformance with all state statutory requirements (2/18/92)

2 Multiple-family dwellings not to exceed eight (8) units per structure (2/18/92)

3 Model apartments and model condominiums and related temporary real estate sales office located within the model unit

4 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum area of 12,000 square feet or 4,000 square feet per unit, whichever is larger, and

2 All lots shall have a minimum width of 120 feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 60 feet of frontage provided there is at least 120 feet of width at the required building setback line.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The minimum total floor area of a multiple-family residential structure shall be 2,000 square feet, and in addition thereto:

a the minimum floor area per dwelling unit for an efficiency or one bedroom apartment shall be 400 square feet;

b the minimum floor area per dwelling unit of a two-bedroom apartment shall be 600 square feet;

c and the minimum floor area per dwelling unit of a three or more bedroom apartment shall be 800 square feet.

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public Sanitary Sewer

12.21-11 R-11 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

(a) Primary Purpose and Characteristics

The R-11 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 12.4 dwelling units per developable net acre, served by public sanitary sewage facilities. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

(b) Principal Uses

1 Community living arrangements having a capacity of 15 or fewer persons and which shall be in conformance with all state statutory requirements (2/18/92)

2 Essential services

3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)

2 Small wind energy system

~~1~~3 Solar energy system

~~2~~4 Swimming pools and spas (see also section 12.17) (8/6/02)

5 Fences (see also section 12.15) (8/6/02)

~~3~~6 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Community living arrangements for 16 or more persons and which are in conformance with all state statutory requirements (2/18/92)

2 Multiple-family dwellings (2/18/92)

3 Housing for the elderly

4 Model apartments and model condominiums and related temporary real estate sales office located within the model unit

5 Utility substations

(e) Lot Area and Width

1 Lots shall have a minimum area of 20,000 square feet or 3,000 square feet per unit, whichever is larger, and

2 Lots shall have a minimum width of 120 feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 60 feet of frontage provided there is at least 120 feet of width at the required building setback line.

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or parts of a building shall exceed 35 feet in height

2 The minimum total floor area of a multiple-family residential structure shall be 3,000 square feet, and in addition thereto:

a the minimum floor area per dwelling unit for an efficiency or one bedroom apartment shall be 300 square feet;

b the minimum floor area per dwelling unit of a two-bedroom apartment shall be 500 square feet;

c and the minimum floor area per dwelling unit for a three or more bedroom apartment shall be 600 square feet.

3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

12.21-12 R-12 MOBILE HOME/MANUFACTURED HOME PARK/SUBDIVISION RESIDENTIAL DISTRICT
(9/5/06)

(a) Primary Purpose and Characteristics

The R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District is intended to provide for the location of mobile home/manufactured home parks and mobile home/manufactured home subdivisions in the residential setting that is compatible with adjacent land uses. Mobile homes are declared herein to be residential dwellings and entitled to the same protection from incompatible uses as is afforded in other residential districts. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2).

(b) Principal Uses

1 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
2 Essential services
3 One individual mobile home or manufactured home on a lot in a mobile home park or subdivision

(c) Accessory Uses

1 Accessory buildings, such as detached garages, sheds and gazebos, and boathouses (see also section 12.27-6) (8/6/02)
2 Small wind energy system
~~1~~3 Solar energy system
~~2~~4 Swimming pools and spas (see also section 12.17) (8/6/02)
5 Fences (see also section 12.15) (8/6/02)
~~3~~6 Decks and Patios (see also section 12.18.3)

(d) Conditional Uses (see also section 12.29-8)

1 Mobile home/manufactured home parks/subdivisions
2 Model mobile home/manufactured home and related temporary real estate sales office located within the model unit
3 Utility substations

(e) Lot Area and Width

1 Lots in a mobile home/manufactured home park or subdivision shall have a minimum of 7500 square feet in area
2 All lots shall be not less than 50 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 30 feet of frontage provided there is at least 50 feet of width at the required building setback line

(f) Building Height and Area

1 No building or parts of a building shall exceed 15 feet in height
2 The minimum floor area shall be 600 square feet

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk, and County Trunk highways; and not less than 40 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
3 Side yard - not less than 10 feet in width on each side of all structures.
4 Rear yard - not less than 10 feet.

(h) Authorized Sanitary Sewer System
1 Public sanitary sewer
2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with

D. BUSINESS DISTRICTS

12.22-1 B-1 NEIGHBORHOOD BUSINESS DISTRICT

(a) Primary Purpose and Characteristics

The B-1 Neighborhood Business District is intended to provide for existing and proposed retail establishments that are located within primarily residential areas and intended to serve the convenience needs of the surrounding neighborhood. To ensure that such uses shall have a character, appearance, and operation compatible with the residential areas they serve, the size of such individual establishment shall be limited. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses (8/6/02)

1 Bakeries
2 Barber shops ~~and~~, beauty shops and salons
3 Bicycle Shops
4 Bookstores
5 Cafe / Coffee shops
6 Computer sales and repair shops
7 Bars / Taverns and wine taps (without outdoor dining, entertainment or recreation) (i.e., volleyball, horseshoes, etc.)
~~3~~8 ~~Dime stores and~~ variety stores
~~4~~9 Drug stores
~~5~~10 Dry cleaning and laundry establishments
~~6~~11 Flower shops
~~7~~12 Grocery stores and convenience stores
~~8~~13 Hardware stores
~~9~~14 Hobby ~~stores~~, ~~and~~ craft, toy and game shops
~~10 Insurance offices~~
~~11~~15 Liquor stores
~~12~~16 Professional offices
~~13 Real estate offices~~
17 Record and prerecorded tape stores
~~14~~18 Restaurants (not including fast food and drive-ins)
~~15~~19 Shoe repair stores

(c) Accessory Uses

1 Garages for the storage of vehicles used in conjunction with the operation of the business
2 Off-street parking and loading

3 Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

4 Small wind energy system

~~3~~5 Solar energy systems

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Flea Markets

2 ~~Gasoline service~~Fueling -stations

~~3 Taverns~~

~~4~~3 Utility substations

(e) Lot Area and Width

1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum lot frontage of 75 feet in width.

2 Individual businesses served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

(f) Building Height and Area

1 No building or parts of a building shall exceed 35 feet in height.

2 Buildings which are individual retail stores shall not exceed 2500 square feet in area and customer service establishments or offices shall not exceed 1500 square feet in area

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems

1 Public sanitary sewer

2 On-site sewage disposal absorption system

3 Holding tank on lots of record created prior to July 1, 1980

12.22-2 B-2 COMMUNITY BUSINESS DISTRICT

(a) Primary Purpose and Characteristics

The B-2 Community Business District is intended to provide for the orderly development of business activities, such as retail stores, office buildings and services in the center of communities and settlements throughout Kenosha County. These "downtown" areas should be developed in a manner that would contribute to their role as the center of the community. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

1 Any principal use permitted in the B-1 Neighborhood Business District.

~~1~~2 Antique and ~~collectors~~ secondhand stores (excluding pawnshops)

~~2~~3 Appliance and furniture stores without related warehousing

~~3 Automotive and marine supply stores~~

~~4 Bakeries~~

~~Banks, credit unions and savings and loan associations~~Financial Institutions

~~Bars and Taverns~~

~~5 Bicycle Shops~~

~~6 Bars~~

~~7 Barber shops and beauty shops~~

~~8 Boat launches~~

~~9 Boat and marina supplies~~

~~10 Bookstores~~

4 Bowling alleys

5 Building supply stores

~~11~~6 Cafe / Coffee shops

~~12 Business offices~~

7 Camera and photographic supply stores

~~13~~8 Carpet and flooring stores

~~14~~9 Caterers

10 Christmas tree sales

~~15~~11 Civic, Social and Fraternal Associations

~~16~~12 Clinics

~~17~~13 Clothing, ~~and~~ apparel and footwear stores

~~18 Clubs~~

~~19 Cocktail lounges~~

14 Commercial recreational facilities (indoor) such as bowling alleys, skating rinks, athletic clubs, tennis and handball courts, swimming pools

~~20 Computer sales and repair shops~~

~~21 Confectioneries~~
~~22 Crockery stores~~
~~23~~15 Delicatessens
~~24~~16 Department stores
~~25 Drug Stores~~
~~26 Electrical supplies~~
17 Essential services
~~27~~18 Financial Institutions
~~28 Fish markets~~
~~29 Florists~~
~~30 Fruit stores~~
~~31~~19 Funeral homes
~~32 Furniture and carpet stores~~
~~33~~20 Gift stores
~~34 Grocery stores and convenience stores~~
~~35 Hardware stores~~
~~36 Heating supply stores~~
~~37 Hobby and craft shops~~
~~38~~21 Hotels and Motels
~~39~~22 Jewelry stores
~~40 Laundry and dry cleaning establishments not employing more than seven persons~~
~~41~~23 Limited Adult Media Stores, as provided in section 12.22-6 (3/16/04)
~~42 Liquor stores~~
~~43 Lodges and clubs~~
~~44~~24 Meat and fish markets
~~45 Motels~~
~~46~~25 Music stores
~~47 Newspaper and magazine stores and pressrooms~~
~~48~~26 Nightclubs and dance halls
~~49 Office buildings~~
~~50~~27 Office supply stores
~~51~~28 Optical stores
~~52 Packaged beverage stores~~
~~53~~29 Paint, glass and wallpaper stores
~~54~~30 Parking lots (off-site)
~~55~~31 Personal service establishments
~~56~~32 Pet shops
~~57 Plumbing supplies~~
33 Photocopying and Duplicating Services
~~58~~34 Physical fitness facilities~~Printing~~
~~59 Professional offices~~
~~60 Private clubs~~
~~61~~35 Racquet ball and tennis courts (indoor)
~~62~~36 Radio-T.V. broadcast studios
~~63~~37 Restaurants, including fast food and drive-in restaurants and associated micro-brewery
~~64 Secondhand stores (not including pawnshops)~~
~~65 Shoe stores and leather goods stores~~
~~66~~38 Sign and banner shops~~s~~

~~67~~39 Sporting goods stores
~~68~~40 Supermarkets
~~69 Taverns~~
~~70~~41 Theaters
~~71~~42 Tobacco shops
~~72 Union halls~~
~~73~~43 Upholstery shops
~~74 Variety stores~~
~~75 Vegetable stores~~

(c) Accessory Uses

1 Garages for storage of vehicles used in conjunction with the operation of the business
2 Off-street parking and loading areas
3 Residential quarters for the owner or proprietor, or rental apartments on a non-ground floor level, provided that there shall be a minimum floor area of 300 square feet for an efficiency or one bedroom apartment, 500 square feet for a two bedroom or larger apartment. There shall be no more than two (2) rental apartments per parcel above a B-2 district store or office. (8/6/02)
4 Small wind energy system
5 Solar energy systems

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Animal hospitals, shelters and kennels and veterinary services
2 Automotive sales, service, and mechanical repairs
3 Boat Launches
~~3~~4 Bus depots
~~4~~5 Car washes
~~5~~6 Commercial recreational facilities (outdoor)
~~6~~7 Flea Markets
~~7~~8 ~~Gasoline service~~Fueling stations
9 Railroad depots
~~8~~10 Tattoo and Body Piercing establishments
~~9~~11 Utility substations
~~10~~12 Restaurants, bars or taverns with outdoor dining, recreation, entertainment (i.e., volleyball, horseshoes, etc.)

(e) Lot Area and Width

1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum frontage of 75 feet in width
2 Individual businesses served by on-site soil absorption sewage disposal system or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum frontage of 150 feet in width

(f) Building Height

1 No building or parts of a building shall exceed 35 feet in height, and
2 No maximum or minimum building area shall be required in the B-2 District due to the variety of uses within the District and the diverse building demands of each user.

(g) Yards (8/6/02)

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard – not less than 10 feet in width on each side of all structures

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems

1 Public sanitary sewer

2 On-site soil absorption disposal system

3 Holding tank on lots of record created prior to July 1, 1980

12.22-3 B-3 HIGHWAY BUSINESS DISTRICT

(a) Primary Purpose and Characteristics

The B-3 Highway Business District is intended to provide for the orderly and attractive grouping and appropriate business location along principal highway routes as defined in this ordinance of those businesses and customer services which are logically related to and dependent upon highway traffic and which are specifically designed to serve the needs of such traffic and businesses which generate a high volume of vehicle traffic with a corresponding demand for large parking areas. The uses intended for this District typically do not rely upon an interchange of customers with each other as do uses in the B-4 District and furthermore tend to locate in strip fashion along the highway thereby impeding traffic flow thereon with numerous access points and therefore requiring review of plans and specifications to regulate highway access and to encourage properly planned site layout and development for such individual businesses. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses (3/16/04)

1 Any principal use permitted in the B-1 Neighborhood Business District, B-2 Community Business District or B-4 Planned Business District

2 Adult establishments, as provided in section 12.22-6

~~3~~ Appliance and ~~Bars and taverns (without live entertainment)~~

~~4 Building supply stores~~

~~5 Commercial indoor recreation such as bowling alleys, skating rinks, athletic clubs, tennis and handball courts, swimming pools~~

~~6 Drive-in establishments providing service to customers without the necessity of entering the building (except drive-in theaters)~~

~~7~~3 f~~F~~urniture ~~/appliance sales~~ stores ~~and~~ with related warehousing

4 Garden supply stores

~~8~~5 Gunsmith shop

~~9 Health clubs~~

~~10 Motels and motor lodges~~

~~11 Nightclubs and dance halls~~

~~12 Restaurants, bars and taverns~~

~~13 Utility substations~~

(c) Accessory Uses

1 Garages for the storage of vehicles used in conjunction with the operation of the business

2 Off-street parking and loading

3 Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

4 Small wind energy system

5 Solar energy systems

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Arenas and stadiums

2 Automotive body repair

3 Automotive and marine sales, service and repairs including related towing

4 Car washes

~~4~~

5 Concrete and asphalt batch plants temporarily located on a parcel

~~5~~6 Convenient Cash Businesses

~~6~~7 Drive-in theater

~~7~~8 Flea markets

9 ~~Gasoline serv~~Fueling ~~ice~~ stations

~~8~~10 Indoor Shooting Ranges

~~9 Marine sales and service~~

~~10~~11 ~~Mini-warehouses~~Self-storage Facilities

12 Pawnshops

~~11~~13 Recreational vehicle, motor home, farm implement or similar large size vehicle or equipment sales involving extensive outdoor display and storage

~~12~~14 Restaurants, bars or taverns with outdoor dining, entertainment or recreation (i.e., volleyball, horseshoes, etc.)

~~Rummage sales and flea markets (permanent)~~

~~13~~15 Tattoo and body piercing establishments

~~14~~16 Truck stops, sales and service

~~15~~17 Utility substations

~~16~~ Large ~~W~~wind energy ~~conversion~~ system~~s~~

~~17~~18 ~~17 Cellular and digital communication facilities~~

(e) Lot Area and Width (3/16/04)

1 Individual businesses served by either public sanitary sewage facilities or on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

(f) Building Height and Area

1 No building or parts of a building shall exceed 35 feet in height.

2 No maximum or minimum building area shall be required in the B-3 District due to the variety of uses within the District and the diverse building demands on each user.

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures.
4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems
1 Public sanitary sewer
2 On-site sewage disposal absorption system
3 Holding tank on lots of record created prior to July 1, 1980

12.22-4 B-4 PLANNED BUSINESS DISTRICT

(a) Primary Purpose and Characteristics

The B-4 Planned Business District is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices, and customer service establishments in a "shopping center" or "mall" setting on a single parcel of land and intended to serve the larger community or regional area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the circulation system and other related facilities, and of potential contribution to the economic welfare of the community. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses (8/6/02)

Any principal use allowed in the B-1 Neighborhood Business District, B-2 Community Business District or B-3 Highway Business District.

(c) Accessory Uses

1 Garages for storage of vehicles used in conjunction with the operation of the business
2 Off-street parking and loading areas
3 Small wind energy system
~~2~~4 Solar energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Flea Markets
2 ~~Gasoline service~~Fueling stations
3 Utility substations
4 Large ~~W~~wind energy ~~conversion~~ system~~s~~

(e) Lot Area and Width

1 Groupings of shops and businesses in the B-4 Business District shall provide a minimum area of two (2) acres and a minimum frontage of 200 feet in width.
2 Individual shops within a grouping shall provide an area sufficient to accommodate the principal and all accessory structures, off-street parking and loading areas, the disposal of sanitary waste if a public sanitary sewage system is not available and the required yards.

(f) Building Height and Area

1 No building or parts of a building shall exceed 60 feet in height.
2 No maximum or minimum building area shall be required in the B-4 District due to the variety of uses within the District and the diverse building demands of each user.

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not closer than 45 feet to any other lot line.

4 Rear yard - not closer than 45 feet to any other lot line.

(h) Authorized Sanitary Sewer System

1 Public sanitary sewer

2 On-site sewage disposal absorption system

3 Holding tanks on lots of record created prior to July 1, 1980

12.22-5 B-5 WHOLESALE TRADE AND WAREHOUSING DISTRICT (8/9/94)

(a) Primary Purpose and Characteristics

The B-5 Wholesale Trade and Warehousing District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a wholesale nature, bulk sales, and for the storage of goods and wares. The size and location of such districts shall be based upon relationships to the total community need and economy. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

1 Wholesale and bulk sales, and warehousing of the following products, provided that no outdoor storage is permitted:

a. Air conditioning, refrigerated equipment, and supplies.

b. Apparel, footwear and accessories.

c. Applicances, furniture and home furnishings.

~~c.~~d. Automobile equipment.

~~d.~~e. Beer, wine, and distilled alcoholic beverages.

~~e.~~f. Commercial and industrial machinery, equipment, and supplies.

~~f.~~g. Confectionery.

~~g. Dairy products.~~

h. Drugs and pharmaceuticals~~druggists sundries.~~

~~i. Dry goods, piece goods, and notions.~~

~~j.~~i. ~~Electrical appliances, electronics and televisions, and radio sets.~~Electronics

~~k. Electronic parts and equipment.~~

~~l. Equipment and supplies for service establishments.~~

~~m. Fish and seafood.~~

~~n. Footwear.~~

~~o. Fruits and vegetables.~~

~~p.~~ Food and ~~Furniture and home furnishings.~~

~~q.~~j. Groceries (dairy products, fish and seafood, fruit and vegetables, meat and meat products not including slaughtering and outdoor confinement)

~~r.~~k. Hardware.

~~s.~~l. Household goods.

~~t. Janitorial equipment and supplies.~~

~~u.~~m. Lumber and construction materials.

~~v. Meat and meat products not including slaughtering and outdoor confinement.~~

~~w.~~n. Metals and minerals.

~~x.~~o. Paint and varnishes.

~~y.~~p. Paper and paper products.

~~z.~~q. Plumbing and heating equipment and supplies.

~~aa.~~r. Professional equipment and supplies.
s. Service establishment equipment and supplies
t. Textiles and fabrics
~~bb.~~u. Tires and tubes.
~~cc.~~v. Tobacco and tobacco products.
w. Transportation equipment and supplies.

~~dd. Wool and mohair.~~

2 Mail order distribution centers
~~3 Mini-warehouses~~Self-storage facilities ~~provided that no perishable products are stored; no flammable or explosive materials are stored; and no sale of merchandise is conducted from the mini-warehouse~~self-storage facility~~.~~
~~4~~3 Printing and publishing houses ~~and related uses~~.
~~5~~4 Refrigerated warehousing.

(c) Accessory Uses
1 Garages for storage of vehicles used in conjunction with the operation of a business.
2 Off-street parking and loading.
3 Office areas customary to the operation of the business.
4 Small wind energy system
~~3~~5 Solar energy system

(d) Conditional Uses (See also Section 12.29-8) (8/6/02)
1 Animal hospitals, shelters, veterinary services, and kennels accessory to a veterinarian or animal hospital.
2 Automotive sales, service and repairs including related towing.
3 Construction services including building contractors; carpentering; wood flooring; concrete services; landscaping, ~~and~~ lawn care, tree trimming and plowing services; masonry, stonework, tile setting, and plastering services; roofing, siding and sheet metal services; septic tank installers; window installers; and water well drilling services.
~~4~~ Freight terminals, yards, freight forwarding services, packing and crating services and related equipment storage and maintenance facilities~~Freight forwarding services.~~; ~~packing and crating services; and petroleum stations and terminals.~~
4
5 Fuel oil, bottled gas, and ice dealers.
6 ~~Gasoline service~~Fueling stations, automobile servicing and repair.
7 Indoor shooting ranges
~~7~~8 Laboratories for testing, research, and experimental purposes.
9 Large wind energy system
~~8 Locker plants.~~
~~9~~10 Millwork, lumber yards, saw mills, and planing mills.
11 Petroleum stations and terminals
~~10 Mini-warehouses~~~~warehousing~~Self-storage facilities.
12
~~11~~13 Water storage tanks and towers, radio and television transmitting and receiving towers, and microwave relay stations.
~~12 Cellular and digital communication facilities.~~

(e) Lot Area and Width

1 Individual wholesale and warehousing establishments served by public sanitary sewer facilities shall provide a minimum lot area of 10,000 square feet and a minimum frontage of 75 feet in width.

2 Individual wholesale and warehousing establishments served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal shall provide a minimum lot area of 40,000 square feet and a minimum frontage of 150 feet in width.

(f) Building Height and Area

1 No building and parts of a building shall exceed 35 feet in height.

2 No maximum or minimum building area shall be required in the B-5 District due to the variety of uses within the District and the diverse building demands of each user.

(g) Reserved for future use

(h) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk, or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water.

3 Side yard - not closer than 25 feet to any other lot line.

4 Rear yard - not closer than 25 feet to any other lot line.

12.22-6 ADULT ESTABLISHMENTS (3/16/04)

(a) Intent. Mindful of the fact that it is the intent of this Ordinance to protect the health, safety and morals of the citizens of Kenosha County and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhoods in Kenosha County and prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment, and also mindful of the criminal activity and disruption of public peace associated with such establishments, and also mindful of the unsanitary and unhealthful conditions associated with such establishments, it is the intent of this section to regulate the location and certain characteristics of such establishments. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit, if a sensitive land use is located within 1,000 feet of the adult establishment. By the enactment of this ordinance, the Kenosha County Board of Supervisors does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment. [1]

_____

[1] The following recitals were adopted as part of the Preamble to Ordinance 45 adopted by the Kenosha County Board on 3/16/04.

RECITALS

A. WHEREAS, the operation of adult establishments and certain activities that frequently occur in or around adult establishments tend to have adverse secondary effects on communities, including increasing criminal and other offensive activity, disrupting the peace and order of communities, depreciating the value of real property, harming the economic welfare of communities, encouraging or facilitating the spread of sexually transmitted diseases, and impairing the quality of life of the communities; and

B. WHEREAS, the adverse secondary effects of adult establishments are well documented in studies by other communities, including but not limited to studies by Phoenix, Arizona (1979); Tucson, Arizona (1990); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Adams County, Colorado (1998); Denver, Colorado (1998); Manatee County, Florida (1987); Indianapolis, Indiana (1984); Kansas City, Kansas (1998); Minneapolis, Minnesota (1980); St. Paul, Minnesota (1988); Las Vegas, Nevada (1978); Ellicottville, New York (1998); Islip, New York (1980); New York, New York (1994); Syracuse, New York (1999); New Hanover, North Carolina (1989); Cleveland, Ohio (1977); Oklahoma City, Oklahoma (1986); Amarillo, Texas (1977); Austin, Texas (1986);Beaumont, Texas (1982); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); Fort Worth, Texas (1986); Houston, Texas (1983 & 1997); Newport News, Virginia (1996); Bellevue, Washington (1988); Des Moines, Washington (1984); Seattle, Washington (1989); St. Croix County, Wisconsin (1993); and

C. WHEREAS, the adverse secondary effects of adult establishments are also reported in judicial opinions relating to adult establishments, including but not limited to City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 S.Ct. 1728, 152 L.Ed.2d 670 (2002); City of Erie v. Pap's A.M., 529 U.S. 277, 120 S.Ct. 1382, 146 L.Ed.2d 265 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560, 111 S.Ct. 2456, 115 L.Ed.2d 504 (1991); City of Renton v. Playtime Theatres, Inc., 475 U.S.

41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986); Young v. American Mini Theatres, Inc., 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Schultz v. City of Cumberland, 228 F.3d 831 (7th Cir. 2000); DiMa Corp. v. Town of Hallie, 185 F.3d 823 (7th Cir. 1999); North Avenue Novelties, Inc. v. City of Chicago, 88 F.3d 441 (7th Cir. 1996); Matney v. County of Kenosha, 86 F.3d 692 (7th Cir. 1996); United States v. Marren, 890 F.2d 924 (7th Cir. 1989); Tee & Bee, Inc. v. City of West Allis, 936 F. Supp. 1479 (E.D. Wis. 1996); Suburban Video, Inc. v. City of Delafield, 694 F. Supp. 585 (E.D. Wis. 1988); Urmanski v. Town of Bradley, 273 Wis. 2d 545, 613 N.W.2d 905 (Wis. App. 2000); Jake's Ltd., Inc. v. City of Coates, 284 F.3d 884 (8th Cir. 2002); Déjà Vu of Nashville, Inc. v. Nashville, 274 F.3d 377 (6th Cir. 2001); Artistic Entertainment, Inc. v. City of Warner Robbins, 223 F.3d 1306 (11th Cir. 2000); Wise Enterprises, Inc., et al. v. Unified Government of Athensclarke County, Georgia, 217 F.3d 1360 (11th Cir. 2000); Stringfellow's of New York, Ltd. v. City of New York, 91 N.Y.2d 382, 694 N.E.2d 407, 671 N.Y.S.2d 406 (N.Y. 1998); Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998); Ben Rich Trading, Inc. v. City of Vineland, 126 F.3d 155 (3rd Cir. 1997); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Hang On, Inc. v. City of Arlington, 65 F. 3d 1248 (5th Cir. 1995); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); TK's Video, Inc. v. Denton County, Texas, 24 F.3d 705 (5th Cir. 1994); LLEH, Inc. v. Wichita County, Tex., 289 F.3d 358 (5th Cir. 2002); Star Satellite, Inc. v. City of Biloxi, 779 F.2d 1074 (5th Cir. 1986); Mitchell v. Commission on Adult Entertainment Establishments of Delaware, 10 F.3d 123 (3rd Cir. 1993); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); and

D. WHEREAS, based on the above studies and cases, as well as the experiences of the County, its residents and communities, the Kenosha County Board of Supervisors finds that:

Adult establishments can and do impair the character and quality of surrounding neighborhoods, the value of surrounding properties, the economic welfare of communities, and the quality of life of residents;

Adult establishments contribute to the physical deterioration and blight of neighborhoods;

Adult establishments contribute to increased levels of criminal activities in neighborhoods where such establishments are located, including prostitution, promotion of prostitution, rape, sexual assaults, other assaults, other sex related crimes; robbery; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual molestation; molestation of a child; disorderly conduct; disturbances of the peace; drinking in public; drug use; drug dealing; littering; and other violations of the law;

The operation of adult establishments can impair property values and have other adverse secondary effects on property up to at least 1,000 feet from the adult establishments;

The impacts of adult establishments on the value of neighboring properties are greater on residential properties than nonresidential properties;

Adult retail establishments tend to have less significant secondary effects than adult entertainment establishments, and limited adult media stores, properly controlled, tend to have less significant secondary effects than other adult retail establishments.

Video viewing booths are often used by patrons of adult establishments for engaging in sexual acts, including masturbation, intercourse, sodomy, and oral copulation, resulting in unsafe and unsanitary conditions in the booths. Bodily fluids, including semen and urine, are often found in such booths. These fluids, and the activities that occur in video viewing booths, may spread communicable diseases, including, but not limited to, syphilis, gonorrhea, genital chlamydia trachomatis, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiosis, salmonella infections, and shigella infections;

Many adult entertainment establishments provide live entertainment in which physical contact between performers and customers, often sexual in nature, occurs and can occur, thus facilitating the transmission of various diseases and exposing performers to the risk of assaults and other unwelcome contact.

E. WHEREAS, the Kenosha County Board of Supervisors believes that the experiences, evidence and studies from other communities cited, set forth herein, and/or considered by the Board and the Planning, Development & Extension Education Committee in whole, part or summary, are relevant and important in understanding and addressing the secondary effects of adult establishments; and

F. WHEREAS, the secondary effects of adult establishments are detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

G. WHEREAS, requiring adult establishments to locate in the vicinity of state trunk highways enhances the ability of county law enforcement personnel to monitor the establishments, and deter and respond to criminal activity at such establishments; and

H. WHEREAS, the Kenosha County Board of Supervisors has previously adopted regulations to limit the secondary effects of adult establishments within the County, including Kenosha County Ordinance Sections 12.26-3 and 12.29-8(b)2; and

I. WHEREAS, developments in the law subsequent to the adoption of those regulations may have rendered those regulations ineffective; and

J. WHEREAS, on August 20, 2002, the Kenosha County Board adopted Ordinance No. 21, establishing a moratorium on the acceptance of applications or issuance of permits for adult establishments under Section 12.26-3 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, and directing the Planning, Development & Extension Education Committee to review and recommend revisions to the regulations governing adult establishments; and

K. WHEREAS, the Planning, Development & Extension Education Committee has completed its review and made recommendations to the Kenosha County Board; and

L. WHEREAS, the Board has considered those recommendations and has determined that the techniques provided herein reduce the secondary effects of adult establishments while fully protecting the constitutional rights of citizens;

NOW, THEREFORE, … (The ordinance as adopted by the Kenosha County Board appears above in the text of this ordinance.)

(b) Definitions. For the purpose of this section:

1 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 sexual activities" or "specified anatomical areas."

2 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 sexual activities" or "specified anatomical areas." For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

3 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, its signs and/or its advertising as an establishment where such live entertainment is regularly or on a frequently recurring basis available, including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to “adult entertainment,” “strippers,” “showgirls,” “exotic dancers,” “gentleman’s club,” or similar terms.

4 Adult Entertainment Establishment. Is defined to include adult cabarets, adult modeling studios, and adult motion picture theaters.

5 Adult Establishments. Is defined to include adult entertainment establishments and adult retail establishments as defined herein.

6 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 sexual activities" or "specified anatomical areas."

7 Adult Media. Books, magazines, videotapes, movies, slides, CD-ROMs, posters, or other devices to display images, that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

8 Adult Media Store. An establishment or business that rents and/or sells adult media and that meets any of the following three tests:

a 40 percent or more of the gross public floor area is devoted to adult media.
b 40 percent or more of the stock-in-trade consists of adult media.
c The store advertises or holds itself out in any forum as a sexually oriented business

9 Adult Modeling Studio. An establishment or business which provides the services of live models modeling lingerie or transparent apparel to patrons or a 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:

a 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

b where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

c where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

10 Adult Motion Picture Theater. An establishment or business located in an enclosed building and emphasizing or predominantly showing movies distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

11 Adult Motion Picture Theater (Outdoor). 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 sexual activities" or "specified anatomical areas".

12 Adult Novelty Shop. An establishment or business offering goods for sale or rent and that meets any of the following tests:

a The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods, marketed or presented in a context to suggest their use for flagellation or torture of a person clothed or naked, or the binding or other physical restraint of a person clothed or naked.

b More than 5 percent of its stock in trade consists of instruments, devices, or paraphernalia either designed as representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

c More than 5 percent of its gross public floor area is devoted to the display of instruments, devices, or paraphernalia either designed as representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

13 Adult Retail Establishments. "Adult Retail Establishments" is defined to include adult media stores, limited adult media stores, and adult novelty shops.

14 Gross Public Floor Area. The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether

or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

15 Limited Adult Media Store. An establishment that rents and/or sells adult media but is not an "adult media store" as defined in this Section, and that meets either of the following tests:

a More than 10 percent but less than 40 percent of the gross public floor area is devoted to adult media

b More than 10 percent but less than 40 percent of the stock-in-trade consists of adult media

16 "Sensitive land-use" is defined to include any and all of the following:

a Property zoned or used for residential purposes

b Property zoned or used for religious institutional purposes

c An educational institution for students in twelfth grade or below

d A library or museum

e A public or private park, recreation area, or playground

f A day care center

g A historic district

h A facility predominantly serving individuals with a "developmental disability," as that term is defined in sec. 51.01(5)(a) and (b), Wis. Stats., and subsequent amendments thereto.

i A private youth development organization such as but not limited to YMCA, Junior Achievement, Boys Club of America and Campfire Girls.

17 “Sex toy” means an instrument, device, or paraphernalia either designed as a representation of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs.

18 "Specified sexual activities" is defined as actual or simulated:

a Exhibition of genitals in a state of sexual stimulation or arousal;

b Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;

c Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

19 "Specified anatomical areas" is defined as:

a Less than completely and opaquely covered:

1) Human genitals, pubic region;

2) Buttock, anus, anal cleft;

3) Female breast below a point immediately above the top of the areola; and

b Human male genitals in a discernibly turgid state even if completely and opaquely covered.

20 Video-viewing booth. Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting adult media for observation by patrons therein. A video viewing booth shall not mean a theater, movie

house, playhouse, or a room or enclosure or portion thereof that contains 600 square feet or more.

(c) Principal Uses

1 Where the underlying zoning is B-2 Community Business District, Limited Adult Media Stores

2 Where the underlying zoning is B-3 Highway Business District,

a Limited Adult Media Stores

b Adult Cabarets

c Adult Media Stores

d Adult Modeling Studios

e Adult Motion Picture Theaters

f Adult Novelty Shops

(d) Prohibited Uses

1 Adult Bath Houses

2 Adult Body Painting Studios

3 Adult Massage Parlors

4 Adult Motion Picture Theaters (Outdoor)

(e) Accessory Uses. Any accessory use authorized by the underlying zoning district may be an accessory use to an adult establishment. In no case shall an adult establishment be an accessory use to any principal use designated by any section of this ordinance.

(f) Underlying District Standards. Adult establishments shall comply with the standards of the zoning districts in which they are located, including standards relating to lot area and width, building height and area, yard requirements and sanitary sewer systems.

(g) General requirements and restrictions governing adult establishments. Except as provided below, all adult establishments shall comply with the following requirements and restrictions:

1 Intoxicating beverages shall not be sold or served.

2 Parking shall be provided in a lighted area, in conformity with applicable lighting and parking standards provided elsewhere in this Ordinance.

3 No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult media, or any live entertainment that is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”, from any sidewalk, public or private right-of-way, or any property other than the lot on which the adult establishment is located.

4 Signs advertising adult establishments shall conform with section 12.14-5 of this ordinance and with the further exception that signs will not depict the human body or any part thereof, and provided further that there shall be no flashing or traveling lights located outside the building.

5 No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-

public areas only for the purposes and to the extent and time necessary to perform their job duties.

6 Other than limited adult media stores, signs at least one (1) square feet in area stipulating that persons under the age of 18 are not permitted inside the establishment, shall be posted at all public entrances to the establishment, and persons under the age of 18 shall not be permitted inside the establishment.

7 The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.

8 The adult establishment shall clearly post and enforce a no loitering policy.

9 The owner and/or operator of the adult establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws. Solicitation for purposes of prostitution shall be strictly prohibited. Conduct in violation of sec. 944.21, Wis. Stats., or sec. 9.10.2 of the Kenosha County Code of Ordinances, including the exhibition of "obscene material" and "obscene performances," as those terms are defined in sec. 944.21(2), Wis. Stats., and sec. 9.10.2 of the Kenosha County Code of Ordinances, shall be strictly prohibited.

10 No video viewing booth(s) shall be established, operated or used in any adult establishment.

11 The hours of operation of adult establishments shall be limited to the same hours of operation for bars and taverns within that community within which the adult establishment is located.

12 No residential quarters shall be allowed on premises with an adult establishment.

(h) Location requirements and restrictions.

1 No more than one adult establishment may be established on any one parcel.

2 No adult establishment may be established within 1000 feet of any other adult establishment.

3 No adult retail establishment may be established within 1000 feet of any "sensitive land-use."

4 No adult entertainment establishment may be established within 1000 feet of any "sensitive land-use."

5 All adult entertainment establishments shall be located within 300 feet of a State Trunk Highway right-of-way (Maintained & Traveled) as indicated on the map of the official layout of the State Trunk Highway System of Kenosha County prepared by the State of Wisconsin, Department of Transportation in accordance with Section 84.02(12) State Statutes and as currently on file with the Kenosha County Clerk and Kenosha County Highway Commissioner and as subsequently amended and shall not be located within 1,000 feet of the right-of-way of the intersection of another State Trunk Highway or any Federal or County Trunk Highway, or any other road.

6 For these purposes, distance shall be measured in a straight line from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult establishment to the nearest lot line of the other parcels of property to which these location requirements apply.

7 The location requirements and restrictions specified in subsections 12.22-6(g)1 through 6 do not apply to limited adult media stores.

(i) Requirements Applicable to Limited Adult Media Stores Only. Adult media in a limited adult media store shall be kept in a separate room or section of the shop, which room or section shall:

1 not be open to any person under the age of 18; and

2 be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching from the floor to at least eight feet high or to the ceiling, whichever is less; and

3 be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and

4 have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission and that the general public will not accidentally enter such room or section, or provide continuous video or window surveillance of the room by store personnel; and

5 provide signage at the entrance stipulating that persons under the age of 18 are not permitted inside.

(j) Additional Restrictions and Requirements Applicable to Adult Entertainment Establishments. Adult entertainment establishments shall comply with certain additional restrictions and requirements as set forth below:

1 It is unlawful for any person to perform or engage in or for any licensee or manager or agent of an adult entertainment establishment to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of an adult entertainment establishment, which:

a Shows his/her genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering.

b Shows the female breast with less than a fully opaque covering of any part of the nipple and areola.

c Shows the human male genitals in a discernibly turgid state, even if fully and opaquely covered.

2 Adult Cabarets

a Adult cabarets shall comply with section 12.12-4(e) of this ordinance relating to noise.

b All live performers in an adult cabaret shall perform only on a stage elevated no less than 24 inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least 36 inches from the stage. The stage shall be in a room or other enclosure of no less than 600 square feet.

3 Adult modeling studios.

a All models or other live performers in an adult modeling studio shall perform only on a stage elevated no less than 24 inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least 36 inches from the stage. The stage shall be in a room or other enclosed space of no less than 600 square feet.

4 Adult motion picture theaters.

a Adult motion picture theaters shall show movies only in a room or other enclosed space of no less than 600 square feet.

(k) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

12.22-7 BP-1 BUSINESS PARK DISTRICT (3/2/10)

(a) Primary Purpose and Characteristics

The purpose of the Business Park District is to provide for the development of business parks that are established in a campus like setting with landscaping and architectural amenities that create a sense of place and an aesthetically attractive and integrated planned development. It is intended that the business park district provide for the grouping and clustering of single- and multi-tenant professional offices, commercial uses, non-hazardous research and development facilities and high-technology manufacturing that functionally interact well together that are not intended to be opened to or visited by the general public. The business park district is intended to be located primarily on collector streets and arterial highways to provide for good accessibility. Development standards of this district are intended to provide compatibility with and protection to surrounding residential and commercial properties by minimizing traffic congestion, noise, glare, vibration, odors, airborne particulate, and toxic substances.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

1. Accounting, auditing, and bookkeeping services.
2. Architectural services.
~~3. Banks, savings and loan associations, and other financial institutions.~~
~~4.~~3. Business/light industrial incubators
~~5.~~4. Commercial bakeries and trade and contractor's offices.
~~6.~~5. Computer programming and other software services.
~~7.~~6. Corporate headquarters, manufacturing offices, and sales and distribution centers.
~~8.~~7. Data processing
~~9.~~8. Drafting services or quick reproduction services.
9. Financial institutions
10. Food, beverage, and milk processing and soft drink bottling plants.
~~11. Food locker plants, cold storage warehousing, etc.~~
~~12. General or clerical offices.~~
~~13.~~11. Laboratories (scientific, medical, chemical), applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities.
~~14.~~12. Light manufacturing and assembling of electronic components, precision instruments and devices.
~~15.~~13. Light manufacturing, assembling or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious metals or stones.
~~16.~~14. Light industrial plants such as required for production of millwork, machine tools, paper containers, light metal fabrication, and similar small industries.
~~17.~~15. Manufacturing and bottling of non-alcoholic beverages.

~~18. Office/Showrooms~~

~~19.~~16. Office supplies.

~~20.~~17. Packaging, processing & assembly of confections, cosmetics, electrical appliances, foods (except garbage, fish and fish products, meat and meat products), instruments, jewelry, tobacco and toiletries.

~~21. Parking garages~~

~~22.~~18. Printing, lithographing, blueprinting, photocopying, and publishing establishments.

~~23.~~19. Processing or compounding and packaging of drugs and other medical and pharmaceutical products.

~~24.~~20. Professional offices which include the following professional and semiprofessional occupations: accountants, architects, attorneys, dentists, engineers, insurance agents, medical clinics, real estate agents, personal or family counselors, chiropractors, physical therapists, physicians, public secretaries, surgeons, or any other offices or professions which are of the same general character as the foregoing, but specifically excludes veterinarians, veterinary hospitals, animal grooming salons, dog kennels, and funeral homes.

21. Refrigerated warehousing.

~~25.~~22. Research and development offices and testing laboratories.

~~26.~~23. Scientific or engineering school facilities or institutions.

~~27.~~24. Scientific and precision instruments.

~~28.~~25. Telecommunication and call centers

~~29.~~26. Testing centers.

~~30. Training schools for employment in the fields of industry or manufacturing.~~

~~31.~~27. Travel agencies

~~32.~~28. Warehousing completely within an enclosed building, but specifically excluding ~~mini-storage warehouses~~~~warehousing~~self-storage facilities.

~~33.~~29. Vocational, trade, technical, or industrial schools.

~~34.~~30. Wholesalers and distributors.

(c) Accessory Uses

1. Off-street parking in conjunction with any permitted use in this district. Provisions for the parking of automobiles, provided that such provisions within 100 feet of a residentially zoned district shall be screened.
2. Associated retail sales or products manufactured or services provided, on the conditions that such accessory sales/services shall not exceed 25 percent of the building area and/or tenant area devoted to the principal use.
3. Independent uses that are customarily principal uses that provide support to businesses and employees of principal uses within the district, on the conditions that such uses shall not exceed 25 percent of the building area and/or tenant area devoted to the principal use. Examples of such are: office supply stores, copy centers, travel agencies, and daycare centers.
4. Small wind energy system

~~3.~~5. Solar energy system

(d) Conditional Uses

1. Utility substations
2. Large~~W~~ wind energy~~ conversion~~ system

~~2.~~3. Parking structures~~s~~

~~3. Cellular and digital communication facilities~~

(e) Density and Dimensional Standards

1. Minimum tract size 35 acres
2. Minimum lot area 3 acres
3. Minimum lot width 150 feet
4. Minimum open space ~~35~~ 25 percent
   a. In the calculation of open space areas, the following shall be excluded: private lot areas, public or private street right-of-way, and railroad and utility rights-of-way.
   b. Or if the local municipality has a more restrictive standard.

(f) Building Height and Area

1. No building or parts of a building shall exceed 60 feet in height.
2. No maximum or minimum building area shall be required due to the variety of uses within the district and the diverse building demands of each user.

(g) Yards

1. Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 40 feet from the right-of-way of all other roads.
2. Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water.
3. Side yard and rear yard - not less than 40 feet in width on each side of all structures 35 feet or less in height, and not less than 50 feet in width on each side of all structures greater than 35.

(h) Authorized Sanitary Sewer Systems

1. Public Sanitary Sewer
2. On-site sewage disposal absorption system
3. Holding tanks

12.22-8 B-94 INTERSTATE HIGHWAY 94 SPECIAL USE BUSINESS DISTRICT (3/2/10)

(a) Primary Purpose and Characteristics

The B-94 Interstate Highway Business District is intended to provide for the orderly and attractive grouping of appropriate businesses along Interstate Highway 94 at a density where a full range of urban services is available for an intense office, retail, and customer service area dependent upon highway traffic and which are specifically designed to serve the needs of such traffic and businesses which generate a high volume of vehicle traffic with a corresponding demand for large parking areas and dense development. The uses intended for this District may provide for taller buildings requiring a high level of public services including public sewer and water facilities and safety services such as police and fire protection within easy access. The B-94 Interstate Highway 94 Special Use Business District boundaries shall be limited to lands located within 1,000 feet of the Right-Of-Way and adjacent to Interstate Highway 94 (I-94), or within 1,000 feet of the Right-Of-Way and adjacent to the frontage roads of I-94. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2).

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

~~1. Banks and Financial Institutions~~
~~2.~~1. Corporate Headquarters
~~3.~~2. Hotels, conference and ~~and~~ convention centers~~Motels~~
3. Financial Institutions
4. Professional Offices

(c) Accessory Uses

1 Bakeries
2 Barber shops and beauty shops
3 Bookstores
4 Camera and photographic supply stores
5 Caterers
6 Clinics
7 Clothing and apparel stores
~~8 Confectioneries~~
~~9 Crockery stores~~
~~10~~8 Delicatessens
~~11~~9 Dime stores and variety stores
~~12~~10 Drug Stores
~~13~~11 Dry cleaning and laundry establishments
~~14~~12 Florists
~~15 Furriers and Fur apparel~~

~~16~~13 Garages for the storage of vehicles used in conjunction with the operation of the business
~~17~~14 Gift stores
~~18~~15 Hobby and craft shops
~~19~~16 Indoor recreation such as bowling alleys, skating rinks, athletic & health clubs, tennis, racquetball and handball courts, swimming pools
~~20~~17 Jewelry stores
~~21~~18 Liquor stores
~~22~~19 Music stores
~~23 Newspaper and magazine stores~~
~~24~~20 Nightclubs and dance halls
~~25~~21 Off-street parking and loading
~~26~~22 Optical stores
~~27~~23 Restaurants, Bars and Taverns (without live entertainment)
~~Shoe stores and repair and leather goods stores~~
24 Small wind energy system
~~28~~25 Solar enegy system
~~29 Soda fountains~~
~~30~~26 Sporting goods stores
~~31~~27 Theaters
~~32~~28 Tobacco shops

(d) Conditional Uses (see also section 12.29-8)
1. Outdoor dining, entertainment or recreation (i.e., volleyball, horseshoes, swimming pools etc.).
2. Utility substations
3. Large ~~W~~wind energy ~~conversion~~ system~~s~~
~~4. Cellular and digital communication facilities~~
~~5.~~4. Parking structures

(e) Lot Area and Width
1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of 2.5 acres and a minimum lot frontage of 150 feet in width.
2 Required minimum open space of 35 percent, or if the local municipality has a more restrictive standard.
a. In the calculation of open space areas, the following shall be excluded: public or private street right-of-way, and railroad and utility rights-of-way.

(f) Building Height and Area
1 Hotel, banks, and office buildings in the B-94 business district may not exceed a total height of 100 feet including any architectural roof features.
2 No maximum or minimum building area shall be required in the B-94 District due to the variety of uses within the District and the diverse building demands on each user.

(g) Yards
1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads.

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard and rear yard - not less than 15 feet in width on each side of all structures 35 feet or less in height, and not less than 30 feet in width on each side of all structures greater than 35 in height but less than 75 feet in height, and not less than 40 feet in width on each side of all structures 75 feet or greater in height.

(h) Authorized Sanitary Sewer Systems

1 Public sanitary sewer

E. MANUFACTURING DISTRICTS

12.23-1 M-1 LIMITED MANUFACTURING DISTRICT

(a) Primary Purpose and Characteristics

The M-1 Limited Manufacturing District is intended to provide for manufacturing, industrial and related uses of a limited nature in size and for situations where such uses are not located in basic industrial groupings and where their relative proximity to other uses requires more restrictive regulation as to hours of operation, method of manufacturing, traffic patterns, storage of materials and products, shipment of materials and products, etc., so as to better provide for the health, safety and welfare of the public. There shall be strict compliance with the performance standards set forth in sections 12.12-1 through 12.12-4 of this ordinance. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses (4/18/00)

The processing, manufacturing and/or storage of the following including office buildings, office parks, and ancillary uses shall constitute the principal uses permitted in the M-1 Limited Manufacturing District:

1 Agricultural and general warehousing
2 Apparel and ~~,~~ findings ~~and related products~~
3 Automatic temperature controls
4 Baked goods and bakery products
~~5 Belts~~
~~6~~5 Blank books, loose-leaf binders and devices
~~7~~6 Blending and preparing of flour
~~8~~7 Books; publishing, printing and binding
~~9~~8 Boot and shoe cut, stock and findings
~~10~~9 Bottling and canning soft drinks and carbonated waters
~~11~~10 Brooms and brushes
~~12~~11 Candy and other confectionery products
12 Canned, frozen, and preserved fruits, vegetables, seafood and food specialties
~~13 Canning and curing seafoods~~
~~14 Canning fruits, vegetables, preserves, jams and jellies~~
~~15 Canning specialty foods~~
~~16~~13 Canvas~~s~~ products
~~17 Cereal preparations~~
~~18 Cigars and cigarettes~~
~~19~~14 Coffee roasting and coffee products

~~20~~15 Commercial storage, curing, drying, churning, processing and packaging of agricultural products
~~21~~16 Contract sorting, grading and packaging services for fruits and vegetables
~~22~~17 Corn, wet milling
~~23~~18 Costume jewelry, costume novelties, buttons, and miscellaneous notions
~~24~~19 Curtains and draperies
~~25~~20 Dental equipment and supplies
~~26 Dress and work gloves~~
~~27~~21 Drying and dehydrating fruits and vegetables
~~28~~22 Electro typing and stereo typing
~~29~~23 Engineering, laboratory, and scientific (other than chemical) and research instruments and associated equipment
~~30~~24 Envelopes
~~31~~25 Fabrics~~, broad and narrow woven~~
~~32~~26 Feeds prepared for animals and fowl
~~33 Felt goods~~
~~34~~27 Flavor extracts and flavoring syrups
~~35~~28 Flour and other grain mill products
~~36~~29 Fluid milk processing
~~37~~30 Footwear
~~38~~31 Fresh or frozen fruits, fruit juices, vegetable and specialties
~~39~~32 Fruit and vegetable pickling, vegetable sauces and seasoning, salad dressing preparation
~~40~~33 Fur goods
~~41~~34 Grain elevators and bulk storage of feed grains
~~42 Greeting cards~~
~~43~~35 Handbags and other personal leather goods
~~44~~36 Hats, caps and millinery
~~45~~37 Household furniture and furnishings
~~46~~38 Ice
~~47~~39 Ice cream and frozen desserts
~~48~~40 Industrial leather, belting and packing
~~49~~41 Jeweler's findings and materials
~~50~~42 Jewelry and precious metals
~~51 Knit goods~~
~~52 Lace goods~~
~~53~~43 Lamps and lamp shades
~~54~~44 Leather and sheeplined clothing
~~55~~45 Leather gloves and mittens
~~56~~46 Luggage
~~57~~47 Macaroni, spaghetti, vermicelli, fettuccini, lasagna, angel hair and noodles
~~58~~48 Malt liquors
~~59~~49 Manifold business forms
~~60~~50 Mechanical measuring and controlling instruments
~~61~~51 Mens, youths and boys furnishings, work clothing and allied garments
~~62~~52 Milling of rice, vegetable and soybean oil
~~63~~53 Morticians' supplies
~~64~~54 Motion picture and video production
~~65~~55 Musical instruments and parts

~~66~~56 Newspapers; publishing, and printing
~~67~~57 Office furniture
~~68~~58 Office buildings, office parks, and ancillary uses, with or without space for principal or accessory manufacturing, assembly, repair or warehousing uses. Ancillary uses within office building or office parks include, but are not limited to: financial services such as banks, credit unions, savings and loan associations, and stock brokers; professional services such as medical, legal, and accounting services; personal services such as day care centers, dry cleaners, barbers and beauty shops; fast service printing and communication; food services such as restaurants and delicatessens; and convenience item retail stores. (4/18/00)
~~69~~59 ~~Opthalmic~~Ophthalmic goods
~~70~~60 Optical instruments and lenses
~~71~~61 Orthopedic, prosthetic and surgical appliances and supplies
~~72 Paper, paperboard and cardboard, die cut~~
~~73~~62 Paperboard and cardboard
~~74 Paperboard containers and boxes~~
~~75~~63 Paper coating and glazing
~~76~~64 Partitions, shelving, lockers and office and store fixtures
~~77~~65 ~~Pens, pencils, and other~~ O~~o~~ffice and artists supplies
~~78 Periodicals; publishing and printing~~
~~79~~66 Photoengraving and photographic equipment and supplies
~~80~~67 Pleating, decorative and novelty stitching
~~81~~68 Poultry and small game dressing and packing providing all operations shall be conducted within an enclosed building
~~82~~69 Preparation of cereals
~~83~~70 Preparation of feeds for animals and fowl
~~84~~71 Printing, commercial
~~85~~72 Production of chocolate and cocoa
~~86~~73 Production of condensed and evaporated milk
~~87~~74 Production of creamery butter
~~88~~75 Production of flour and other grain mill products
~~89~~76 Production of frozen fruits, fruit juices, vegetables and other specialties
~~90~~77 Production of natural and processed cheese
~~91~~78 Production of wine, brandy, and brandy spirits
~~92~~79 Raincoats and other waterproof ~~outergarments~~outer garments
~~93 Robes and dressing gowns~~
~~94~~80 Sanitary paper products
~~95~~81 Sausages and other prepared meat products provided that all activities are conducted within an enclosed building
~~96~~82 Seed and grain processing and preparation
~~97~~83 Signs and advertising displays
~~98~~84 Sugar processing and production
~~99~~85 Surgical and medical instruments and apparatus
~~100~~86 Tobacco products
~~101~~87 Toys, amusement, sporting and athletic goods
~~102~~88 Typesetting
~~103~~89 Umbrellas, parasols, and canes
~~104~~90 Vegetable oil milling

~~105~~91 Venetian blinds and shades
~~106~~92 Wallpaper
~~107~~93 ~~Warehouses, mini~~Self-Storage Facilities
~~108~~94 Watches, clocks, clockwork operated devices, and parts
~~109~~95 Wet milling of corn
~~110~~96 Womens', misses, Jr. girls and infants furnishings, work and dress clothing and allied garments
~~111 Wood scouring, worsted combing and towing to top~~
~~112~~97 Yarns and threads

(c) Accessory Uses
1 Garages for storage of vehicles used in conjunction with the operation of the industry
2 Office, storage, power supply and other uses normally auxiliary to the principal industrial operations
3 Off-street parking and loading areas
4 Small wind energy system
5 Solar energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)
1 Auto-truck body and engine repair and painting
2 Concrete and asphalt batch plants located on a parcel
3 Flea Markets
4 Freight terminals, yards, freight forwarding services, packing and crating services and related equipment storage and maintenance facilities.
~~4 Freight terminals~~
5 Malt production
6 Millwork, lumber yards, saw mills and planing mills
7 Packing and crating services
8 Petroleum bulk stations and terminals
9 Processing of hardwood dimension, flooring, veneer, and plywood
10 Retail or wholesale sales of manufactured products on premises
11 Utility substations
12 Large ~~W~~wind energy ~~conversion~~ system~~s~~
~~13 Cellular and digital communication facilities~~

(e) Lot Area and Width
1 Individual industries served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum frontage of 75 feet in width
2 Individual industries served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum frontage of 150 feet in width

(f) Building Height and Area
1 No building or parts of a building shall exceed 35 feet in height
2 No maximum or minimum building area shall be required in the M-1 Limited Manufacturing District due to the variety of uses within this district and the diverse building demands of each use

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 15 feet in width on each side of all structures

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems

1 Public sanitary sewer

2 On-site soil absorption system

3 Holding tank on lots of record created prior to July 1, 1980

12.23-2 M-2 HEAVY MANUFACTURING DISTRICT

(a) Primary Purpose and Characteristics

The M-2 Heavy Manufacturing District is intended to provide for manufacturing and industrial development of a more general nature than in the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land use would create fewer problems of compatibility. Such districts should not normally abut directly upon residential districts nor be less than 10 acres in area. All uses in the M-2 Heavy Manufacturing District shall comply with the performance standards set forth in sections 12.12-1 through 12.12-4 of this ordinance. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses (4/18/00)

In addition to those industrial and office uses permitted in the M-1 Limited Manufacturing District (together with M-1 district ancillary uses), the processing, manufacturing and/or storage of the following shall constitute principal uses permitted in the M-2 Heavy Manufacturing District:

1 Aircraft and parts
2 Aluminum, primary production
3 Aluminum, rolling, drawing and extruding
4 Asphalt, felts and coating
5 Automobile manufacturing
6 Batteries
7 Bedding
8 Biological products
9 Blast furnaces, steel works, and the rolling of ferrous metals
10 Bleach
11 Bone
12 Bottling of alcoholic beverages
13 Brass works
14 Brick and structural clay tile
15 Candles
16 Canneries
17 Carbon black
18 Carpeting
19 Celluloid
20 Cement
21 Ceramic floor and wall tile
22 Charcoal
23 ~~Clay refractories~~Clay Building Material and Refractories

24 Coal-tar
25 Coke
26 Coding, engraving and allied services
27 Cold, rolled steel sheets, strips and burrs
28 Cold storage warehouses, commercial service facility
29 Communications equipment
30 Concrete and concrete products
31 Condensories
32 Construction and prefabrication of wood buildings and structures, mobile homes and construction of wooden containers
33 Construction, mining, and materials handling machinery and equipment
34 Copper, drawing and extruding
35 Copper, primary smelting and refining
36 Cordage
37 Creameries
38 Cutlery, hand tools, and general hardware
39 Dextrin
40 Disinfectant
41 Electrical lighting and wiring equipment
42 Electrical industrial apparatus
43 Electrical transmission and distribution equipment
44 Electro metallurgical products
45 Electronic components and accessories
46 Engines and turbines
47 Excelsior
48 Farm machinery and equipment
49 Feed Mills
50 Felt
~~51 Fire engines~~
~~52~~51 Fine earthenware, table and kitchen articles
~~53~~52 Fish by-products
~~54 Flat glass~~
~~55~~53 Food locker plants
~~56~~54 Fur dressing and dying furs
~~57~~55 Gelatin
~~58~~56 Glass manufacturing
~~59~~57 Glue and gelatin
~~60~~58 Guns and related equipment
~~61~~59 Gypsum products
~~62~~60 Hair products
~~63~~61 Heating apparatus and plumbing fixtures
~~64~~62 Household appliances
~~65~~63 Ice
~~66~~64 Ink, printing
~~67~~65 Lime
~~68~~66 Lime products
~~69~~67 Linoleum, asphalt-base and other hard surface floor coverings
~~70~~68 Lithographing

~~71~~69 Matches
~~72~~70 Meat (frozen storage)
~~73~~71 Metal cans
~~74~~72 Metal products, fabricated structural
~~75~~73 Metal stamping
~~76~~74 Metal working machinery
~~77~~75 Motor vehicles and motor vehicle equipment
~~78~~76 Motorcycles, bicycles and parts
~~79~~77 Musical and sound equipment
~~80~~78 Non-ferrous metals, rolling, drawing and extruding
~~81~~79 Non-ferrous wire, drawing and insulating
~~82~~80 Office, computing and accounting machines
~~83~~81 Oil cloth
~~84~~82 Paper
~~85~~83 Pea viners
~~86~~84 Perfume, cosmetics and other toilet preparations
~~87~~85 Pharmaceutical preparations
~~88~~86 Plaster of paris
~~89~~87 Polish
~~90~~88 Porcelain electrical supplies
~~91~~89 Potash
~~92~~90 Pulp
~~93~~91 Pyroxylin
~~94~~92 Radio and television receiving sets
~~95~~93 Railroad equipment
~~96~~94 Reclaiming rubber, metal, paper and other resources
~~97~~95 Rope
~~98~~96 Rubber products
~~99~~97 Screw machine products and bolts, nuts, screws, rivets and washers
~~100~~98 Service industry machines
~~101~~99 Shoddy
~~102~~100 Shoe and ramp blacking
~~103~~101 Signaling and fire control equipment
~~104~~102 Size
~~105~~103 Soap and detergents
~~106~~104 Special cleaning, polishing and sanitation preparations
~~107~~105 Starch
~~108~~106 Steel wire drawing, and steel rails and spikes
~~109~~107 Sugar
~~110~~108 Textile and Fabric Finishing Mills~~s~~
~~111~~109 Tires and innertubes
~~112~~110 Tool and die making
~~113~~111 Trade and contractor offices
~~114~~112 Vitreous china plumbing fixtures, china, earthenware fittings and bathroom fixtures
~~115~~113 Warehousing
~~116~~114 Weaving
~~117~~115 Wire products, fabrication
~~118~~116 Wood pressing

(c) Accessory Uses

1 Garages for storage of vehicles used in conjunction with the operation of the industry
2 Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations
3 Off-street parking and loading areas
4 Retail stores and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities when established in conjunction with the permitted manufacturing or processing facility
5 Small wind energy systems
~~4~~6 Solar energy system
~~5~~7 Wholesale stores

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

In addition to those industrial conditional uses permitted in the M-1 Limited Manufacturing District, the following shall constitute conditional uses in the M-2 Heavy Manufacturing District:

1 Abrasives
2 Animal reduction
3 Bus terminals and related equipment storage and maintenance buildings
4 Chemicals determined to be non-toxic by the U.S. Environmental Protection Agency and the Kenosha County Office of Emergency Services
5 Coal and bone distillation
6 Concrete and asphalt batch plants
7 Contractor storage yards
8 Dye
9 Electrical and steam generating plants
10 Fertilizer production, sales, storage, mixing and blending. Said fertilizers shall be determined to be non-toxic by the Kenosha County Office of Emergency Services.
11 Flea Markets
12 Forges
13 Foundries
~~14 Freight terminals, yards and trans shipment depots and related equipment storage and maintenance~~
~~15~~14 Fuel
~~16~~15 Gasohol and fuel-related alcohol plants
~~17~~16 Insulating materials determined to be non-toxic by the U.S. Environmental Protection Agency and the Kenosha County Office of Emergency Services
~~18~~17 Laboratories
18 Lacquer, paint, stain
19 Large wind energy system
~~19 Large wind energy systems~~
20 Livestock sale facilities
21 Living quarters for watchmen or caretakers
22 Lubricating oils and grease
23 Manufacturing, processing and storage of building materials, explosives, dry ice, fat, flammables, glue, grains, grease, lard, plastic, radioactive materials, shellac, soap, tires, turpentine, vinegar and yeast
24 Meat packing, slaughterhouse and production of sausages and other meat products

25 Motor Freight
26 Offal
27 Outside storage and manufacturing
28 Plastic materials and synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products
29 Power and heat generating plants
30 Production of animal and marine fats and oils
31 Production of shortening, table oils, margarine, and other edible fats and oils
32 Railroad terminals and freight yards
33 Refineries
34 Rendering plants
35 Road test facilities
36 Salvage yards
37 Sewage treatment plants
38 Ship and boat building and repair
39 Smelting and refining of all metals and alloys
40 Stockyards
41 Tanneries
42 Utility substations
~~43 Wind energy conversion systems~~
~~44 Cellular and digital communication facilities~~
~~45~~43 Towing with outside storage

(e) Lot Area and Width
1 Lots shall have a minimum area of 40,000 square feet, and
2 All such lots shall have a frontage of not less than 150 feet in width

(f) Building Height and Area
1 No building or parts of a building shall exceed 60 feet in height
2 No maximum or minimum building area shall be required in the M-2 district due to the variety of uses within this district and the diverse building demands of each use.

(g) Yards
1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)
2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
3 Side yard - not less than 25 feet in width on each side of all structures.
4 Rear yard - not less than 25 feet

(h) Authorized Sanitary Sewer Systems
1 Public sanitary sewer
2 On-site soil absorption disposal system
3 Holding tank on lots of record created prior to July 1, 1980

12.23-3 M-3 MINERAL EXTRACTION DISTRICT (8/6/02)

(a) Primary Purpose and Characteristics

The M-3 Mineral Extraction District is intended to provide for the orderly continuation of existing quarries and related operations and to provide for new operations that provide maximum protection to the natural environment. This district further provides for the restoration of quarries in a manner that will not deteriorate the natural environment of Kenosha County. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2).

(b) Principal Uses

No principal uses shall be permitted in the M-3 Mineral Extraction District and all uses within this district shall be principal uses.

(c) Accessory Uses

1 Parking areas and storage garages
2 Related office facilities and power supplies
3 Small wind energy system
~~2~~4 Solar energy system

(d) Conditional Uses (see also section 12.29-8) (8/9/94)

1 Caretaker's quarters
2 Concrete and asphalt batch plants
~~2~~3 Large wind energy system
~~3~~4 Manufacturing of cement or concrete products
~~4~~5 Manufacturing of lime, gypsum or plaster of paris
~~5~~6 Quarry or other non-metallic mining operations
~~6~~7 Storage of mineral products or machinery
~~7~~8 Storage and stockpiling of clean fill
~~8~~9 Utilities and substations
~~9~~10 Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil
~~10 Wind energy conversion systems~~
~~11 Cellular and digital communication facilities~~

(e) Lot Area and Width

1 Lots in the M-3 Mineral Extraction District shall provide sufficient area for all structures, the extractive industrial operation, off-street parking and loading as required in sections 12.13-2 and 12.13-3 of this ordinance and all required yards.

(f) Building Height and Area

1 No building or parts of a building shall exceed 60 feet in height, and
2 No maximum or minimum building area shall be required in the M-3 Mineral Extraction District due to the variety of uses within the district and the diverse building demands of each use.

(g) Yards

1 Extractive industrial operations shall be set back a minimum of 200 feet from the right-of-way of all highways or roads, and all property lines.

2 Utilities, and accessory uses such as offices, parking areas and stockpiles shall be set back a minimum of 100 feet from the right-of-way of all highways or roads and all property lines.

(h) Authorized Sanitary Sewer Systems

1 On-site soil absorption disposal system

2 Public Sanitary Sewer System

3 Holding tank on lots of record created prior to July 1, 1980

12.23-4 M-4 SANITARY LANDFILL AND HAZARDOUS WASTE DISPOSAL DISTRICT (8/20/91)

(a) Primary Purpose and Characteristics

The purpose of the M-4 Sanitary Landfill and Hazardous Waste Disposal District is to regulate land uses associated with the handling of materials that may be hazardous or harmful to public health and to the environment. These include micro-organism cultures, pesticides, biological products, infectious agents, and other toxic and hazardous substances. In order to provide for assurance, accountability, monitoring, and proper review of site operations and conditions involved in the handling of hazardous and potentially hazardous wastes, the M-4 Sanitary Landfill and Hazardous Waste Disposal District is created. This district is also intended to provide for the protection of the public, public safety, public welfare, health and convenience resulting from discharge of hazardous materials into the environment. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are hazardous, in fact, or potentially hazardous. Accordingly, the following list of principal, accessory, and conditional uses is illustrative only. Any individual aggrieved by the failure to list a particular use may file a petition with the Kenosha County Department of Planning and Development pursuant to Section 12.35 of this Ordinance for a determination as to the similarity or dissimilarity of any use.

(b) Principal Uses

No principal use shall be permitted as a matter of right in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.

(c) Conditional Uses

1 Sanitary landfills operated in accordance with the provisions of Chapters NR 500 through NR 551 of the Wisconsin Administrative Code and amendments thereto

2 Manufacture of substances where EPA certified priority pollutants such as Naphthalene, Phenols, and Polychlorinated Biphenyls (PCB's) may be a byproduct of such operation

3 Hazardous waste warehousing and transfer stations

4 Garbage incineration or waste reduction

~~4~~5 Large wind energy system

~~5~~6 Medical waste incineration or waste processing

~~6~~7 Recycling centers and warehousing of recovered resources

(d) Lot Area and Width

1 Lots shall have a minimum area of 10 acres, and

2 Lots shall have a frontage of not less than 660 feet in width

(e) Building Height

1 No building or parts of a building shall exceed 60 feet in height

(f) Yards

1 Street Yard - not less than 200 feet from the right-of-way of all Federal, State, and County Trunk highways, and the right-of-way of all other roads (8/6/02)

2 Shore Yard - not less than 200 feet from the ordinary high water mark of any navigable water

3 Side Yard - not less than 200 feet to an adjacent property line
4 Rear Yard - not less than 200 feet to an adjacent property line

(g) Authorized Sanitary Sewer Systems
1 Public sanitary sewer
2 On-side soil absorption sewage disposal system
3 Holding tank on lots of record created prior to July 1, 1980

F. PUBLIC DISTRICTS

12.24-1 I-1 INSTITUTIONAL DISTRICT

(a) Primary Purpose and Characteristics

The I-1 Institutional District is intended to provide for areas which are under private or public ownership and where the uses in those areas for public purposes or institutional purposes, whether public or private, are anticipated to be permanent. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

1 Churches
2 Hospitals, sanitariums, nursing homes and clinics
3 Libraries, museums and art galleries
4 Private youth development organizations such as YMCA, Junior Achievement, Boys Club of America and Campfire Girls
5 Public or private schools, colleges and universities
6 Public administrative offices and public service buildings including fire and police stations, community centers, public emergency shelters
7 Public utility offices

(c) Accessory Uses

1 Garages for storage of vehicles used in conjunction with the operation of the principal use.
2 Residential quarters for caretakers or clergy
3 Service buildings and facilities normally accessory to the principal uses
4 Solar energy system
~~3~~5 Small wind energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Airport, heliport pads, aircraft hangars for storage and equipment maintenance; aircraft sales and service.
2 Bus terminals
3 Cemeteries
~~3~~4 Large wind energy system
~~4~~5 Penal, reform, disciplinary and mental institutions
~~5~~6 Power and heat generating plants
~~6~~7 Railroad depots
~~7~~8 School auditoriums, gymnasiums and stadiums
~~8~~9 Utility substations

~~9~~10 Water storage tanks and towers and radio and television transmitting and receiving towers, microwave relay stations

~~10 Wind energy conversion systems - see section 12.29-8(b)137~~

~~11 Cellular and digital communication facilities~~

(e) Lot Area and Width

1 Institutional uses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum lot frontage of 75 feet in width, and

2 Institutional uses served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

(f) Building Height and Area

1 No building or parts of a building shall exceed 60 feet in height.

2 No maximum or minimum building area shall be required in the I-1 Institutional District due to the variety of uses within this district and the diverse building demands of each use.

(g) Yards

1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County trunk highways and not less than 30 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

3 Side yard - not less than 10 feet in width on each side of all structures.

4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems

1 Public sanitary sewer systems

2 On-site sewage disposal absorption system

12.24-2 PR-1 PARK-RECREATIONAL DISTRICT

(a) Primary Purpose and Characteristics

The PR-1 Park-Recreational District is intended to provide for areas where the recreational needs, both public and private, of the populous can be met without undue disturbance of natural resources and adjacent uses. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

1 Bike trails
2 Boat rental and boat access sites
3 Botanical gardens
4 Cross country ski trails
5 Fairgrounds
6 Historic monuments or sites
7 Hiking and nature trails and walks
8 Hunting and fishing clubs
9 Neighborhood tot lots
10 Outdoor skating rinks
11 Parks and playgrounds
12 Picnicking areas
13 Playfields or athletic fields
14 Ski hills without facilities
15 Sledding, skiing or tobogganing
16 Tennis courts

(c) Accessory Uses

1 Bathhouses and locker rooms
2 Equipment storage facilities
3 Pavilion and restroom facilities
4 Solar energy system
~~3~~5 Small wind energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

1 Amusement Parks, carnivals, circus, fairground and exposition grounds
2 Archery and firearm ranges (outdoors)
3 Arena, stadium, coliseums, auditoriums and gymnasiums
4 Assemblies over 5,000
5 Beaches, and public swimming pools
6 Campgrounds (rental)

7 Conversion of a resort into a residential condominium (8/15/89)
8 Golf Courses
9 Golf driving ranges
~~9~~10 Large wind energy system
~~10~~11 Marinas and marine sales and services
~~11~~12 Minibike trails
~~12~~13 Recreational vehicle (RV) campground or subdivisions
~~13~~14 Resorts
~~14~~15 Skeet and trap shooting ranges
~~15~~16 Ski hills with restaurants and ski shops
~~16~~17 Snowmobile trails
~~17~~18 Sportsmen clubs
~~18~~19 Summer theaters and amphitheaters or band shells
~~19 Wind energy conversion system--see section 12.29-8(b)137~~
20 Zoological and botanical gardens
~~21 Cellular and digital communication facilities~~

(e) Lot Area and Width
1 Lots in the PR-1 Park-Recreational District shall provide sufficient area for the principal structure or use and accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not available, and required yards

(f) Building Height and Area
1 No building or part of a building shall exceed 100 feet in height
2 No maximum or minimum building area shall be required in the PR-1 Park-Recreational District due to the variety of uses within this district and the diverse building demands of each use.

(g) Yards
1 Street yard - not less than 65 feet from the right-of-way of all Federal, State trunk or County trunk highways; and not less than 40 feet from the right-of-way of all other roads. (8/6/02)
2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
3 Side yard - not less than 40 feet in width on each side of all structures
4 Rear yard - not less than 40 feet

(h) Authorized Sanitary Sewer Systems
1 Public sanitary sewer
2 On-site sewage disposal absorption system
3 Holding tank

G. CONSERVANCY DISTRICTS

12.25-1 C-1 LOWLAND RESOURCE CONSERVANCY DISTRICT (11/5/86)

(a) Primary Purpose and Characteristics

The C-1 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or manmade 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 be otherwise incompatible with public welfare.

(b) Designation of Lowland Conservancy Areas

For the purpose of determining which areas are to be located in the C-1 Lowland Resource Conservancy District, the Kenosha County Department of Planning and Development shall develop district maps reflecting the best data available. The district delineation process shall make use of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer or other maps that reflect the best data available. This District includes all shoreland areas that are considered wetlands as defined in this Ordinance and as mapped and/or determined as wetlands in this Ordinance. Shoreland/Wetlands designated on the Wisconsin Wetland Inventory Maps prepared by the WDNR as also depicted on the Department of Natural Resources Surface Water Data Viewer are also referred to as being located in the "Shoreland-Wetland Zoning District" as defined in this Ordinance. Said Shoreland/Wetlands are subject to the regulations of this Section.

(c) Mapping Disputes in the C-1 District

Whenever it is alleged that a discrepancy exists between a Lowland Resource Conservancy District delineation and actual field conditions, the staff of the Kenosha County Department of Planning and Development shall resolve the discrepancy in the following manner:

1 The Kenosha County Department of Planning and Development staff shall request that the staff of the Wisconsin Department of Natural Resources determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland

2 The Kenosha County Department of Planning and Development shall notify the property owner of the preliminary results of the field investigation. The property owner shall determine, within 30 days, whether he will pursue a final wetland determination on the property.

3 Should the property owner decide to pursue a final wetland determination, he 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 Kenosha County Department of Planning and Development.

4 The Kenosha County Department of Planning and Development 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.

(d) Principal Uses.

1 The following 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 the 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; and

f. The construction or maintenance of duck blinds.

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 fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or 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; and

f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(e) Conditional Uses (see also section 12.29-8)

No conditional uses shall be permitted in the C-1 Lowland Resource Conservancy District except:

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 Wildlife ponds. (6/2/92)

(f) Lot Area

Where a lot or parcel is located partially within a C-1 Lowland Resource Conservancy District and partially within an adjoining use district, that area of the lot or parcel in the C-1 District may not be used to meet the lot area requirement of the adjoining district where public sanitary

sewerage facilities are available. Where public sanitary sewerage facilities are not available, the area of the lot or parcel in the C-1 District may be used to meet the lot area requirement provided that at least 40,000 square feet is provided outside the C-1 District. (8/6/02)

(g) Structures
No structure shall be permitted, except those permitted by conditional use grant, in the C-1 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-1 Lowland Resource Conservancy District.

(h) Platting Subdivisions (8/6/02)
When platting new subdivisions, every effort shall be made to contain lands zoned C-1 Lowland Resource Conservancy District in outlots to be owned and controlled by a community association.

(i) Prohibited Uses. Any use not listed in section 12.25-1(d) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 12.25-1(c) of this ordinance and s. 59.69(5)(e), Wis. Stats.

12.25-2 C-2 UPLAND RESOURCE CONSERVANCY DISTRICT

(a) Primary Purpose and Characteristics

The C-2 Upland Resource Conservancy District is intended 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 will promote and maintain the natural beauty of Kenosha County.

(b) Principal 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 One single-family dwelling

(c) Accessory Uses

1 Gardening, tool and storage sheds incidental to the residential use
2 General farm buildings, including barns, silos, stables, sheds, and storage bins
3 Home occupations and professional home offices
4 Private garages and carports
5 Small wind energy system
~~4~~6 Solar energy system

(d) Conditional Uses (see also section 12.29-8)

1 Utility substations
2 Wind energy conversion system
3 Bed and breakfast establishments (8/9/94)

(e) Lot Area and Width

1 Parcels shall have a minimum area of five acres
2 All such parcels have a frontage of not less than 300 feet in width except on a cul-de-sac or curve in which case the lot frontage may be reduced to 150 feet of frontage provided there is at least 300 feet of width at the required building setback line

(f) Building, Height, Area and Design Standards (9/5/06)

1 No building or part of a building shall exceed 35 feet in height
2 The total minimum floor area of a dwelling shall be 1400 square feet with a minimum first floor area of 1000 square feet
3 All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than 24-feet in width for at least fifty (50) percent of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival. (9/5/06)

(g) Yards

1 Street yards - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from the right-of-way of all other roads. (8/6/02)

2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
3 Side yard - not less than 25 feet in width on each side of all structures
4 Rear yard - not less than 50 feet.

(h) Authorized Sanitary Sewer System
1 On-site sewage disposal absorption system
2 Public sanitary sewer

H. OVERLAY DISTRICTS

12.26-1 FPO FLOODPLAIN OVERLAY DISTRICT (6/12/12)

(a) Primary Purpose and Characteristics

The FPO Floodplain Overlay District is hereby created pursuant to the mandates of Wisconsin Statute section 87.30 for the purpose of regulating all floodplains where serious flood damage may occur. The purpose of these regulations is to provide for sound floodplain management in Kenosha County so as to:

1 Protect life, health and property
2 Minimize expenditures of public monies for costly flood control projects
3 Minimize rescue and relief efforts, generally undertaken at the expense of the general public
4 Minimize business interruptions
5 Minimize damage to public facilities on the floodplains, such as water mains, sewer lines, streets and bridges
6 Minimize the occurrence of future flood blight areas on floodplains
7 Discourage the victimization of unwary land and home buyers
8 Preserve essentially open space of natural use lands which are unsuitable for intensive development purposes due to poor natural soil conditions and periodic flood inundation
9 Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners
10 Regulate floodplain areas so as to maintain and improve water quality, protect aquatic and wildlife habitat and prohibit the location of structures on soils which are generally not suitable for such use

(b) Definitions, (See Appendix A)

(c) Designation of Floodplain Areas

The FPO Floodplain Overlay District is those areas that may be covered by floodwater during the regional flood including the floodway and are contained within AE, A, AH, and AO Zones as shown on the appropriate FEMA mapping panel of the FIRM

(d) Principal Uses

Any use of land, except structures, that is permitted in the underlying basic use district shall be permitted. Examples of such use would be croplands in any agricultural district; required yards in a residential district; or parking and loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two feet or that such areas are not subject to flood velocities greater than two feet per second upon the occurrence of a 100 year recurrence interval period. (2/6/90)

1 No floodplain development shall:

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

b. Cause any increase in the regional flood height due to floodplain storage area lost.

2 The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of 12-40-1 Amendments are met.

(e) Conditional Uses (subject to section 12.26-1(d) 1 and 2 above) (see also section 12.29-8)

1 Bridges and approaches
2 Filling as authorized by the Wisconsin Department of Natural Resources and the United States Army Corp of Engineers to permit the establishment of approved bulkhead lines
3 Municipal water supply and sanitary sewage lines
4 Park and recreational areas not including structures
5 Public water measuring and control facilities done in accordance with the provisions of section NR116.17 of the Wisconsin Administrative Code
6 Utility facilities (except buildings and substations) such as underground water tight conduits, telephone and electric poles, etc., constructed in conformance with section NR116.17 of the Wisconsin Administrative Code.

(f) Lot Area

Where a lot or parcel is located partially within a floodplain and partially within an adjoining use district, that area of the lot or parcel in the floodplain may be used to meet the lot area requirements of the adjoining district provided that at least 50 percent of the minimum lot area requirement is provided outside the floodplain where public sanitary sewerage facilities are available, and at least 40,000 square feet is provided outside the floodplain where public sanitary sewerage facilities are not available. (11/5/84)

(g) Dumping, Filling, Excavation and Obstructions Prohibited

Lands lying within the FPO Floodplain Overlay District shall not be obstructed in any manner, nor shall such lands be used for dumping of any material or substance (including manure) or be filled, except as authorized to permit the establishment of approved bulkhead lines or to accommodate bridge approaches. Excavation in the Floodplain area shall be prohibited, except that normal earth grading activities as defined in this ordinance to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.

(h) Storage of Materials Prohibited

Lands lying within the FPO Floodplain Overlay District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, plant, fish or other aquatic life.

(i) Incompatible Uses Prohibited

Lands lying within the FPO Floodplain Overlay District shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewage system site, wastewater treatment ponds or facilities, holding, private or public sewage systems, solid or hazardous waste disposal sites, holding tanks, or the construction of any wells used to obtain water for ultimate human consumption. The restricted confinement or permanent sheltering of animals shall be prohibited.

(j) Structures Prohibited

Except for public water measuring and control facilities, bridges and utilities, NO structures, dwellings, mobile/manufactured homes or shelters shall be located, moved or placed on lands in the FPO Floodplain Overlay District. This section shall be strictly construed and shall not be subject to variances.

(k) Channel Structures

In addition to the above structures, the erection of all structures in a channel shall require a permit issued by the DNR pursuant to ch. 30, Stats. and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by any municipality pursuant to ch. 30, Stats. Wisconsin Statutes.

(l) Dam Construction

Dam construction, operation, maintenance and abandonment are uses requiring a public hearing before the Planning, Development & Extension Education Committee in accordance with section 12.29-5 of this ordinance. This committee shall then advise the State agency having jurisdiction under section 31.05, 31.07, 31.13 and 31.185 of the Wisconsin Statutes of its findings prior to the issuance of the required State permit. (11/5/84)

(m) Removal of Trees and Shrubs

The removal of trees, shrubs and foliage from the Floodplain Overlay District shall be prohibited unless conducted in accordance with section 12.18-2 and with the further provision that such activity is conducted in a manner so as to be consistent with sound floodplain management.

~~**12.26-1.5 FWO CAMP LAKE/CENTER LAKE FLOODWAY OVERLAY DISTRICT** (6/12/12)~~

~~(a) Primary Purpose and Characteristics~~

~~The FWO Camp Lake/Center Lake Floodway Overlay District is intended to be used to protect people and property from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Permitting use of the floodway would increase damages in the broader floodplain by increasing flood stages. In delineating the FWO District, the effects of development within the associated flood fringe shall be computed. No increase in flood stage shall be permitted that is equal to or greater than 0.00 foot unless Kenosha County has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles and floodland zoning maps to reflect the increased flood elevations and a Conditional Letter of Map Revision (CLOMR) from FEMA is obtained. Any such alteration shall be reviewed and approved by FEMA and the DNR and in accordance the provisions of 12.40-2. The floodway regulations shall apply to the surface water of Camp Lake and Center Lake, to the floodway portion of floodlands delineated on streams tributary to the lake system, and to such other lands adjacent to Camp Lake and Center Lake.~~

~~Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.~~

~~(b) Definitions. (See Appendix A)~~

~~(c) Designation of Floodplain Areas.~~

~~The designated boundaries of the FWO Camp Lake/Center Lake Floodway Overlay District shall be determined through the use of the flood profiles in Appendix F of the November 5, 1992 letter report prepared by the Southeastern Wisconsin Regional Planning Commission titled Hydrologic and Hydraulic Analysis of an Unnamed Tributary to the Fox River Chain of Lakes. The flood stages, under floodway conditions, were developed from technical data contained in the aforereferenced letter report.~~

~~(d) Principal Uses.~~

~~Drainage and movement of water.~~

~~Historic structures, provided that said structure was in existence within the floodplain prior to the adoption of this Ordinance.~~

~~Navigation.~~

~~Stream Bank Protection.~~

~~Uses functionally dependent on a waterfront location such as docks or wharves.~~

~~Water Measurement and Control Facilities.~~

~~Any of the following uses are permitted provided that they are permitted uses in the underlying basic use district, and further provided that such use shall not involve the erecting or placing of a structure. Any land use not listed is prohibited.~~

~~Grazing~~

~~Horticulture~~

~~Open Markets~~

~~Open Recreational Uses, such as parks, sport fields, beaches, bathing, hunting, fishing, rinks, golf courses, and driving ranges.~~
~~Outdoor Plant Nurseries~~
~~Pasturing~~
~~Sod Farms~~
~~Truck Farming~~
~~Utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services.~~
~~Viticulture (grape growing)~~
~~Wildlife Preserves~~

~~(e) Permitted Accessory Uses~~
~~Off-street parking and loading areas provided that such uses shall not be subject to inundation depths greater than two (2) feet or flood velocities greater than two (2) feet per second. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips. 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 12.26-1.5(h).~~

~~(f) Conditional Uses.~~
~~Open space and related uses for the following uses:~~
~~Navigational structures.~~
~~Public water measuring and control facilities.~~
~~Bridges and approaches.~~
~~Marinas~~
~~Filling as authorized by the Wisconsin Department of Natural Resources to permit the establishment of approved bulkhead lines.~~
~~Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.~~
~~Municipal water distribution and sanitary sewage collection lines intended to provide service to uses located outside of the floodway.~~
~~Public utilities, streets and bridges may be allowed by permit, if:~~
~~Adequate floodproofing measures are provided to the flood protection elevation; and~~
~~Construction meets the development standards of 12.40-1.~~

~~(g) Lot Area~~
~~Where a lot or parcel is shown to be located partially within the Camp Lake/Center Lake Floodway Overlay District, that portion of the area of the lot or parcel in the floodway may be used to meet the lot area requirements of the underlying district provided that, in the case of existing platted lots, at least 5,000 square feet of lot area is provided outside the floodway; and in the case of newly platted lots, at least 50 percent of the minimum lot area requirement shall be provided outside the floodway.~~

~~(h) Dumping, Filling, Excavation and Obstructions Prohibited.~~
~~Lands lying within the FWO Camp Lake/Center Lake Floodway Overlay District shall not be obstructed in any manner, nor shall such lands be used for dumping of any material or substance (including manure) or be filled, except as authorized to permit the establishment of~~

~~approved bulkhead lines or to accommodate bridge approaches. Excavation in the floodway area shall be prohibited, except that normal earth grading activities as defined in this ordinance to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted. No material is deposited in navigable waters unless a permit is issued by the DNR pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.~~

~~(i) Storage of Materials Prohibited.~~

~~Lands lying within the FWO Camp Lake/Center Lake Floodway Overlay District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, plant, fish or other aquatic life.~~

~~(j) Incompatible Uses Prohibited.~~

~~Lands lying within the FWO Camp Lake/Center Lake Floodway Overlay District shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage system site, holding tank, or the construction of any wells used to obtain water for ultimate human consumption. The restricted confinement or permanent sheltering of animals shall be prohibited. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and DNR approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code; Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code. Uses not in harmony with or detrimental to uses permitted in the adjoining districts are prohibited.~~

~~(k) Maintenance of Drainageways.~~

~~No development in the FWO Camp Lake/Center Lake Floodway Overlay District shall adversely affect the channels, floodways, or shorelands of the Camp Lake, Center Lake, any tributaries thereto, drainage ditches, or other lands lying outside the floodlands.~~

~~(l) Structures Prohibited.~~

~~Except for navigational structures, public water measuring and control facilities, bridges and utilities, and structures accessory to a waterfront location, NO structures, dwellings, mobile/manufactured homes or shelters shall be located, moved or placed on lands in the FWO Camp Lake/Center Lake Floodway Overlay District. This section shall be strictly construed and shall not be subject to variances.~~

~~(m) Channel Structures.~~

~~In addition to the above structures, the erection of all structures in a channel shall require a permit issued by the DNR pursuant to ch. 30, Stats. and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by any municipality pursuant to ch. 30, Stats. Wisconsin Statutes.~~

~~(n) Dam Construction~~

~~Dam construction, operation, maintenance and abandonment are uses requiring a public hearing before the Planning, Development & Extension Education Committee in accordance with section 12.29-5 of this ordinance. This committee shall then advise the State agency having~~

~~jurisdiction under section 31.05, 31.07, 31.13 and 31.185 of the Wisconsin Statutes of its findings prior to the issuance of the required State permit.~~

~~(o) Removal of Trees and Shrubs~~

~~The removal of trees, shrubs and foliage from the FWO Camp Lake/Center Lake Floodway Overlay District shall be prohibited unless conducted in accordance with section 12.18-2 and with the further provision that such activity is conducted in a manner so as to be consistent with sound floodplain management.~~

~~(p) Public utilities, streets and bridges may be allowed by permit, if:~~

~~Adequate floodproofing measures are provided to the flood protection elevation;~~
~~and~~

~~Construction meets the development standards of Appendix C.~~

~~(q) No floodplain development shall:~~

~~Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height or cause any increase in the regional flood height due to floodplain storage area lost.~~

~~The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of 12-40-1 Amendments are met.~~

~~**12.26-1.7 FFO CAMP LAKE/CENTER LAKE FLOODPLAIN FRINGE OVERLAY DISTRICT** (6/12/12)~~

~~(a) Primary Purpose and Characteristics~~

~~The FFO Camp Lake/Center Lake Floodplain Fringe Overlay District is intended to provide for and encourage the most appropriate use of land and water in those areas subject to periodic flooding but fully committed to urban development and to minimize flood damage to people and property in so doing. The district is not intended to extend to all floodlands in Kenosha County, but only the Camp Lake/Center Lake area where substantial existing urban development already exists and substantial investments have been made in urban infrastructure. To this end, floodlands identified as being located within the floodplain fringe; within the sanitary sewer service area of the Town of Salem Utility District No. 2; and located outside of areas delineated as wetlands on either the Kenosha County General Zoning and Shoreland/Floodplain Zoning Maps, as may be amended from time to time, or the Wisconsin Wetland Inventory Maps, as may be amended from time to time, may be developed under the regulations set forth in this District.~~

~~Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.~~

~~(b) Definitions. (See Appendix A)~~

~~(c) Designation of Floodplain Areas.~~

~~The FFO Camp Lake/Center Lake Floodplain Fringe Overlay District is those areas between the regional flood limits and the FWO Camp Lake/Center Lake Floodway District.~~

~~(d) Principal Uses~~

~~Residential, commercial, industrial, park, and institutional structures provided that:~~

~~The use is permitted in the underlying basic use district; and all structures shall be located within the sanitary sewer service area as delineated in SEWRPC Community Assistance Planning Report No. 143, Sanitary Sewer Service Area for the Town of Salem Utility District No. 2, as may be amended from time to time, and shall not be located within a wetland as delineated on either the Kenosha County General Zoning and Shoreland/Floodplain Zoning Maps, as may be amended from time to time, or the Wisconsin Wetland Inventory Maps, as may be amended from time to time.~~

~~The floodplain fringe areas shall be filled to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood. Such fill shall extend for at least 15 feet beyond the limits of the structure placed thereon.~~

~~All structures shall be provided with dry land access to lands located outside the floodplain. Where existing streets or sewer lines are at elevations which make dry land access impractical, the County may permit development where access roads are at or below the 100-year recurrence interval flood stage, provided that the County has written assurance from appropriate police and fire departments and emergency service agencies that rescue and relief service will be provided to properties in the area by wheeled vehicles during a flood event or the County has an adopted natural disaster plan concurred with by the Wisconsin Emergency Management and approved by the Wisconsin Department of Natural Resources. The waiver shall not be granted unless the Wisconsin Department of Natural Resources (DNR) concurs with the granting of the waiver.~~

~~The finished surface of the lowest floor (excluding basement or crawlway) shall be constructed or placed at an elevation at least two feet above the elevation of the 100-year recurrence interval flood. Basement or crawlway floors may be placed at the 100-year recurrence interval flood elevation provided that the basement or crawlway is floodproofed to the flood protection elevation.~~

~~Certification by a registered professional engineer or land surveyor that the floodland regulations set forth in this Ordinance have been fully complied with shall be submitted as required by Section 12.05-5(b) of this Ordinance.~~

~~Residential, commercial, park, and institutional structures placed on fill may be removed from the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District provided that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in Section 12.40 of this Ordinance.~~

~~Accessory structures associated with residential, commercial, industrial, institutional, or park uses provided that:~~

~~All accessory structures permitted in the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be accessory to a use permitted in the underlying basic use district. The accessory structure shall further be located within the sanitary sewer service area as delineated in SEWRPC Community Assistance Planning Report No. 143, Sanitary Sewer Service Area for the Town of Salem Utility District No. 2, as may be amended from time to time, and shall not be located within a wetland as delineated on either the Kenosha County General Zoning and Shoreland/Floodplain Zoning Maps, as may be amended from time to time, or the Wisconsin Wetland Inventory Maps, as may be amended from time to time.~~

~~All accessory structures shall be separate from and not attached to the principal structure.~~

~~Accessory structures shall not be designed or used for human habitation.~~

~~Accessory structures shall have a low flood damage potential.~~

~~Accessory structures shall be constructed and placed to provide minimum obstruction to flood flows. Whenever possible, accessory structures shall be placed with their longitudinal axis parallel to the flow of floodwaters.~~

~~Accessory structures shall be firmly anchored to prevent them from floating away and restricting bridge openings.~~

~~Accessory structures shall have all service facilities (such as electrical and heating equipment) at an elevation at least two (2) feet above the 100-year recurrence interval floodplain.~~

~~Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.~~

~~Certification by a registered professional engineer or land surveyor that the floodland regulations set forth in this Ordinance have been fully complied with shall be submitted as required by Section 12.05-5(b) of this Ordinance.~~

~~Municipal water supply distribution lines and sanitary sewerage collection lines provided that the lines and any appurtenances are floodproofed to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, and be designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Office of Planning and Zoning 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 100-year recurrence interval flood level for the particular stream reach.~~

~~Any non-structural use of land that is permitted in the underlying basic use district shall be permitted. Examples of such use would be croplands in any agricultural district; required yards in a~~

~~residential district; or parking and loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two feet or that such areas are not subject to flood velocities greater than two feet per second upon the occurrence of a 100 year recurrence interval period.~~

~~Filling to remove lands from the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District provided that:~~

~~All lands filled or removed from the floodplain shall be located within the sanitary sewer service area as delineated in SEWRPC Community Assistance Planning Report No. 143, Sanitary Sewer Service Area for the Town of Salem Utility District No. 2, as may be amended from time to time, and shall not be located within a wetland as delineated on either the Kenosha County General Zoning and Shoreland/Floodplain Zoning Maps, as may be amended from time to time, or the Wisconsin Wetland Inventory Maps, as may be amended from time to time.~~

~~Fill shall be to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood.~~

~~Filled lands shall be contiguous to lands lying outside of the floodlands.~~

~~No FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be removed from the Zoning Map until the filling is complete and until the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in Section 12.40 of this Ordinance.~~

~~(e) Incompatible Uses Prohibited.~~

~~Lands lying within the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewage system site, or holding tank.~~

~~(f) Mobile Homes/Manufactured Homes and Recreational Vehicles Prohibited.~~

~~No mobile home/manufactured home, recreational vehicle, mobile home/manufactured home park, trailer camp, public or private campground shall be placed or moved onto lands lying in the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District.~~

~~(g) Channel Structures.~~

~~In addition to the above structures, the erection of all structures in a channel shall require a permit issued by the DNR pursuant to ch. 30, Stats. and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by any municipality pursuant to ch. 30, Stats. Wisconsin Statutes.~~

~~(h) Dam Construction~~

~~Dam construction, operation, maintenance and abandonment are uses requiring a public hearing before the Planning, Development & Extension Education Committee in accordance with section 12.29-5 of this ordinance. This committee shall then advise the State agency having jurisdiction under section 31.05, 31.07, 31.13 and 31.185 of the Wisconsin Statutes of its findings prior to the issuance of the required State permit.~~

~~(i) Removal of Trees and Shrubs~~

~~The removal of trees, shrubs and foliage from the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be prohibited unless conducted in accordance with section 12.18-2 and with the further provision that such activity is conducted in a manner so as to be consistent with sound floodplain management~~

~~(j) 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 12.12-4(l). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.~~

~~(k) Public Utilities, Streets and Bridges~~

~~All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and~~

~~When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with 12.12-4(l).~~

~~Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.~~

~~(l) Sewage Systems~~

~~All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to 12.12-4(l)1, to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.~~

~~(m) Wells~~

~~All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 12.12-4(l)1, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.~~

~~(n) Solid Waste Disposal Sites~~

~~Disposal of solid or hazardous waste is prohibited in floodfringe areas.~~

~~(o) Deposition of Materials~~

~~Any deposited material must meet all the provisions of this ordinance.~~

12.26-2 HO HISTORICAL OVERLAY DISTRICT (6/12/12)

(a) Purpose and Intent

It is hereby the finding of the Kenosha County Board of Supervisors that the protection, enhancement, perpetuation and use of improvements in areas of special character or special historical interest or value may be required in the public interest. The purpose of this district is to:

1 Effect and accomplish the protection, enhancement and perpetuation of such improvements and areas which represent or reflect elements of the County's cultural, social, economic, political and architectural history.

2 Safeguard the County's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.

3 Stabilize and improve property values.

4 Foster civic pride and promote education in the beauty, culture, tradition, and noble accomplishments of the past.

5 Protect and enhance the County's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

6 Strengthen the economy of the County.

This district may be implemented only upon creation of a historical preservation commission created pursuant to subsection (d) of this section.

(b) Definitions In this section, unless the context clearly requires otherwise:

1 "Historic area" means a designated area or areas containing one or more landmarks as well as those abutting improvement parcels which have been determined to fall under the provisions of this section to assure that their appearance and development is harmonious with such landmarks.

2 "Improvement" means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

3 "Improvement parcel" is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

4 "Landmark" means any improvement, parcel of land, or area designated as such pursuant to this ordinance and which:

a. Has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the county, state or nation

or reflects the broad political, economic or social history of the county, state or nation, or

b. Has substantial value in tracing the history of aboriginal man, or

c. Is the site of an historic event which has occurred or is identified with historic personages or with important events in national, state or local histories, or

d. Embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or

e. Is representative of a notable work of a master builder, designer or architect whose individual genius influences his age.

(c) Historical Overlay District Designation
For purpose of this ordinance, a Historical Overlay District designation may be placed on any site which may be designated as a "landmark" or "historic area" pursuant to the provisions of this section.

(d) Advisory Historical Preservation Commission.
Composition and Terms.
An Advisory Historical Preservation Commission may be created without further town board approval, consisting of seven (7) members. Of the membership, one shall be a registered architect; one shall be a historian qualified in the field of historic preservation; one shall be a licensed real estate broker; one shall be a County Board Supervisor; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in landmark preservation. The County Executive shall appoint the commissioners subject to confirmation by the County Board. Of the initial members so appointed two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(e) Duties of Historical Preservation Commission

1 Recommendation. The commission shall have the responsibility subject to subsection (f) of this section, to recommend the designation of historical overlay districts as defined in this section within the unincorporated areas of the County. Such recommendation shall be made in accordance with the criteria set forth in this section.

2 In addition, the commission shall:

a Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage historic district owners to assist in carrying out the intent of this ordinance.

b Work closely with the State of Wisconsin liaison officer and the Governor's liaison committee for National Register of Historic Places of the United States

National Park Service in attempting to include such properties hereunder designated as historic districts on the Federal Register.

c Work for the continuing education of the citizens about the historic heritage of this County and the historic districts designated under the provisions of this section.

d Receive and solicit funds, as it deems advisable, for the purpose of historic district preservation in the County. Such funds shall be placed in a special county account for such purpose.

(f) Procedures

1 Designation of Historical Overlay Districts.
The commission may, after notice and public hearing, recommend the establishment of historical overlay districts, or recommend the recision of such designation, after application of the criteria set forth in this section. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the County Assessor, who are owners of property in whole or in part situated within five hundred (500) feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes. The Commission shall also notify the following: the Town Board wherein the District is proposed or located, the County Park Commission and the Kenosha County Department of Planning and Development. Each such department may respond to the commission within thirty (30) days of notification with its comments and proposed recommendation. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or recision. Within ten (10) days after the close of the public hearing, the commission may recommend designating the property as an historical overlay district or recommend recision of such designation.

2 Petition for Historical Overlay District
After the recommendation set forth in subsection 1 has been made, the commission shall petition the Kenosha County Planning, Development & Extension Education Committee for a rezoning of the subject property or properties from its original zoning classification to an Historical Overlay District or in the alternative, may petition that property currently located in the Historical Over-lay District be rezoned. Where the property has been rezoned to a Historical Preservation District, only those uses permitted in the underlying district shall be permitted. The underlying district may be changed without additional costs at the same time as the Historical Preservation District is created. The Planning, Development & Extension Education Committee shall follow the procedures outlines in section 12.38 of this ordinance in proceeding with the petition for an amendment to this ordinance. (11/5/84)

3 Historical Overlay District Preservation Plan

At the public hearing held before the Planning, Development & Extension Education Committee pursuant to section 12.38 of this ordinance, the Commission shall present an Historical Overlay District Preservation Plan prepared for the Commission by an architect or historian which shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives. At the public hearing before the Planning, Development & Extension Education Committee, the Committee shall make findings that the proposed area or areas are suitable for designation by the county board as "landmark" or "historic areas" and therefore for historic preservation and set forth the reasons for such finding. In addition, the committee shall adopt the Historical Overlay District Preservation Plan without change. Guidelines to be considered in the development of Historical Overlay District Preservation Plan for an historic area are to be as follows: (11/5/84)

a All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.

b The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

c In the street elevation(s) of a building the proportion between the width and height in the facade(s) should be visually compatible with the building environment with which it is visually related.

d The proportions and relationships between doors and windows in the street facade(s) should be visually compatible with the buildings and environment with which it is visually related.

e The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.

f The existing rhythm created by existing building masses and spaces between them should be preserved.

g The materials used in the final facade(s) should be visually compatible with the buildings and environment with which it is visually related.

h The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.

i Colors and patterns used or the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.

j The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

k The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

l All street facade(s) should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

m Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

4 County Board Action

The action and recommendation of the Planning, Development & Extension Education Committee shall be forwarded to the Kenosha County Board of Supervisors for final

determination. Once a site or sites have been designated as a landmark or historic area and a Historical Overlay District created by the County Board and the Zoning Map amended and the Historical Preservation Plan adopted and notice of the designation filed with the Register of Deeds Office for Kenosha County, and all town building inspectors, such districts shall be subject to all of the provisions of this ordinance. (11/5/84)

(g) Regulation of Construction, Reconstruction and Exterior Alteration

1 Any application for a permit from a township building inspector involving the exterior of a designated landmark, or structure within an historical area shall be filed with the Historical Preservation Commission.

2 No owner or person in charge of a landmark, or structure within an Historic area shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an Historical Overlay District or cause or permit any such work to be performed upon such property unless a Certificate of Appropriateness has been granted by the Historical Preservation Commission. Unless such certificate has been granted by the commission, a township Building Inspector shall not issue a permit for any such work.

3 Upon filing of the application with the Historical Preservation Commission, the Historical Preservation Commission shall determine:

a Whether, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and

b Whether, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and

c Whether, in the case of any property located in a historic area, designated pursuant to the terms of section (f)4, hereunder, the proposed construction, reconstruction or exterior alteration would or would not conform to the objectives and design criteria of the historical preservation plan for said historic area as duly adopted by the County Board.

4 If the commission finds the guidelines set forth in subparagraphs a, b, and c of Paragraph 3 have been met, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the appropriate Township Building Inspector. The commission shall make this decision within thirty (30) days of the filing of the application. Should the commission fail to issue a Certificate of Appropriateness due to failure of the proposal to conform to the above guidelines, the applicant may appeal such decision in accordance with the procedures set forth in section 12.35 of this ordinance. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

5 A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with

12.26.-1 (d), flood resistant material used and construction practices and floodproofing methods shall comply with 12.12-4(l). Repair or rehabilitation of historic structures shall be exempt from the development standards of 12.28-10(d) 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.

(h) Regulation of Demolition

No permit to demolish all or part of a landmark, or improvement in an Historical Overlay District, shall be granted by the appropriate Township Building Inspector except as follows:

1 Any person in charge of a landmark, or structure in an historic area shall not be granted a permit to demolish such property without written approval of the commission.

2 At such time as such person applies for a permit to demolish such property, such application shall be filed with the commission. Upon such application, the commission may refuse to grant such written approval for a period of up to ten (10) months from the time of such application, during which time the commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this ten (10) month period, if no mutually agreeable method of saving the subject property 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 property is pending, the appropriate Township Building Inspector may issue the permit to demolish the subject property without the approval of the commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and are available for disbursement within a period two (2) months following the end of such ten (10) month period, the appropriate Township Building Inspector may issue the permit to demolish the subject property without the approval of the commission.

(i) Recognition of Landmarks and Historic Areas

At such time as a landmark or historic area has been properly designated in accordance with this ordinance, the commission shall cause to be prepared and erected on such property at County expense, a suitable plaque declaring that such property is a landmark or historic area. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the commission.

(j) Sale of Landmarks

Any party who is listed as the owner of record of a landmark at the time of its designation, and who can demonstrate to the commission that by virtue of such designation he is unable to find a buyer willing to preserve such landmark, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the commission for a recision of its designation. Following the filing of such petition with the commission:

1 The owner and the commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

2 If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such recision, the commission shall rescind its designation of the subject property.

3 In the event of such recision, the commission shall notify the county clerk, the appropriate Township Clerk, and the appropriate Township Building Inspector and the County Assessor of same, and shall cause the same to be recorded, at its own expense, in the office of the Kenosha County Register of Deeds.

4 Following any such recision, the commission may not redesignate the subject area as a landmark or historic area for a period of not less than five (5) years following the date of recision.

(k) Conformance with Regulations

Every person in charge of any landmark, or improvement in a historic area shall maintain the same or cause to permit it to be maintained in a condition consistent with the provisions of this section. The County Board may appoint the Kenosha County Department of Planning and Development or any other individual or group of individuals to inspect the premises and to enforce this ordinance. The duties of the inspection officer shall include periodic inspection at intervals provided by the County Board of designated landmarks and historic areas. Such inspections may include physical entry upon the property to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection at reasonable hours, the inspection officer may obtain a warrant of entry pursuant to Wisconsin Statutes, section 66.122 and take any other reasonable measures to further the enforcement of this ordinance.

(l) Maintenance of Landmarks and Historic Areas

Every person in charge of an improvement in an Historical Overlay District shall keep in good repair all the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.

(m) Conditions Dangerous to Life, Health or Property

Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in a historic area for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property. In such cases, no approval from the commission shall be required.

(n) Any party violating any section of this ordinance pertaining to historical preservation shall be subject to the provisions of section 12.33 of this ordinance.

12.26-3 RESERVED FOR FUTURE USE (3/16/04)

12.26-4 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

(a) Primary Purpose and Characteristics.

The Kenosha County Board of Supervisors has determined that section 59.69 of the Wisconsin Statutes grants the county board authority to create "planned development districts" as granted to cities pursuant to section 62.23(7)(b) of the Wisconsin Statutes. The PUD Planned Unit Development Overlay District, set forth herein, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Ordinance 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 insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the county board upon specific petition under this section of the ordinance and after public hearing with such development encompassing one (1) or more principle uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the ordinance have been met.

(b) Planned Unit Development Overlay District. (PUD)

So as to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this ordinance except for the A-1, A-2, A-3, A-4, R-1, R-2, R-6, R-12, I-1, PR-1, C-1, C-2, ~~FWO,~~ FPO, HO, and AEO districts, there is hereby created the Planned Unit Development Overlay District. (3/1/94)

(c) Principal, Accessory and Conditional Uses

Principal, accessory and conditional uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district or districts. All open space and parking requirements of the underlying basic use district or districts shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development. (3/2/10)

(d) Ownership

Areas designated as PUD Overlay Districts shall be under single or corporate ownership or control at the time of their creation.

(e) Minimum Area Requirements (3/2/10)

Areas designated as PUD Overlay Districts shall contain a minimum development area of:

Principal Uses	Minimum Area of PUD
Residential Planned Unit Development	10 acres

Commercial Planned Unit Development	10 acres
Industrial Planned Unit Development	~~40~~ 10 acres
Mixed Use Planned Unit Development	~~40~~ 10 acres
Agricultural Preservation Planned Unit Development	10 acres

(f) Minimum Sanitary Sewer Requirements

All Planned Unit Developments shall be on a public sanitary sewer system, except for Agricultural Preservation Planned Unit Developments, which need not be on public sanitary sewer systems but which must then have soils adequate to support on-site septic systems.

(g) Pre-petition Conference and General Lay-out Concept Plan

Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the staff of the Kenosha County Department of Planning and Development and the designated representative of the town wherein the Planned Unit Development is to be located to discuss the scope and proposed nature of the contemplated development and data and other information as deemed appropriate and pertinent for presentation to the committee. At the pre-petition conference, the owner or agent shall present a general lay-out and plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a general guideline the requirements set forth in subsection 2a-n of this section. (3/2/10)

(h) Petition.

Following the pre-petition conference, the owner or his agent may file a petition with the Kenosha County Department of Planning and Development for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by the review fee required under section 12.05-7 of this ordinance as well as the following information: (3/2/10)

1 A statement which sets forth the relationship of the proposed Planned Unit Development to any existing or proposed master plans or any adopted component thereof, and the general character of and the uses to be included in the proposed Planned Unit Development including the following information:

a Total area to be included in the Planned Unit Development, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

b A general summary of the estimated value of structures and site improvement costs, including landscaping and special features of common open spaces.

c A general outline of the organizational structure of a property owner's association, which may be proposed to be established for the purpose of

providing any necessary private services or maintenance of common open spaces.

d Any proposed departures from the standards of development as set forth in the county zoning regulations, other county regulations or administrative rules, or other county or town ordinances.

e The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.

f Notwithstanding the departures from lot area, setback, building separation; and modification of street standards and/or sidewalk and walkway requirements; no modifications shall be granted from the floodplain protection and wetland protection measures set forth in this ordinance. (3/2/10)

2 A detailed development site plan including:

a A survey and legal description of the boundaries of the subject property included in the proposed Planned Unit Development and its relationship to surrounding properties prepared by a land surveyor registered by the State of Wisconsin.

b The location of public and private roads, driveways, and parking facilities.

c The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.

d The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.

e The type, size, and location of all structures.

f General landscape treatment.

g Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of the proposed structures.

h The existing and proposed location of public sanitary sewer and water supply facilities.

i The existing and proposed location of all private utilities or other easements.

j The characteristics of soils related to contemplated specific uses.

k Existing topography on the site with contours at no greater than two (2) foot intervals.

l Detail storm-water drainage plans prepared by a professional engineer registered by the State of Wisconsin.

m Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

n Any other data or information requested at the pre-petition conference.

(i) Referral to Town Board and Planning, Development & Extension Education Committee

The petition and detailed site plan for a Planned Unit Development Overlay District shall be referred to the Town Board of the town wherein the proposed Planned Unit Development is to be located for its review and recommendation, which may include any additional conditions or restrictions the Town Board may deem necessary or appropriate. Following such review, the petition and recommendation shall be forwarded to the Kenosha County Planning, Development & Extension Education Committee for similar review and recommendations. (11/5/84)

(j) Public Hearing

The Planning, Development & Extension Education Committee, before formulating its recommendations to the County Board, shall hold a public hearing pursuant to the requirements of section 12.38 of this ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. (11/5/84)

(k) Basis for Petition Approval

1 The Planning, Development & Extension Education Committee in making its recommendation to the County Board and the County Board in making its determination, shall find: (11/5/84)

a That the petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the Planned Unit Development within twelve (12) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the county.

b That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this section and to the spirit and intent of this ordinance; is in conformity with any existing or proposed adopted master plans or any adopted components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

c That the proposed Planned Unit Development Overlay District is compatible with adjacent development in the immediate area, or that appropriate measures, such as a vegetative buffer, have been employed to reduce the visual impact on surrounding land uses. (3/2/10)

d The Planning, Development & Extension Education Committee in making its recommendations and the County Board in making its determination shall further find that: (11/5/84)

1 The proposed site is provided with adequate drainage facilities for surface and storm waters.

2 The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

3 No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.

4 The streets and driveways on the site of the proposed development are adequate to serve the proposed development and do meet the minimum standards of all applicable ordinances or administrative regulations of the county or town, whichever is more restrictive.

5 Centralized public water and sewer facilities are provided, except with respect to an Agricultural Preservation Planned Unit Development Overlay District. (3/2/10)

6 The entire tract or parcel of land to be included in a Planned Unit Development Overlay District is held under single ownership, or if there is more than one (1) owner, the petition for such Planned Unit Development Overlay District is considered as one (1) tract, lot or parcel and the legal description defines said Planned Unit Development as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the Planned Unit Development Overlay District provided that all further divisions are in accordance with the restrictions placed on the particular Planned Unit Development.

e That in the case of a proposed residential Planned Unit Development Overlay District:

1 Such development creates an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the county and the town wherein the Planned Unit Development is to be located.

2 The following table has been used and complied with for the following districts in determining the density of a development or site: (3/2/10)

District Zoning	Maximum Gross Density (dwelling units per acre)	Average Net Area Per Dwelling Unit (square feet)
R-3	2.2	20,000
R-4	2.9	15,000
R-5	4.4	10,000
R-8	4.4	10,000
R-9	8.7	5,000
R-10	10.8	4,000
R-11	12.4	3,000

3 The Residential Planned Unit Development project is limited to development types as hereinafter set forth:

a Cluster developments, attached single-family dwellings, townhouses, and condominiums are permitted in the R-4, R-5 and R-8 districts but shall not exceed two (2) dwelling units per structure.

b Cluster developments, townhouses, and condominiums are permitted in the R-9 district, but shall not exceed four (4) dwelling units per structure.

c Cluster developments, townhouses, and condominiums are permitted in the R-10 district, but shall not exceed eight (8) dwelling units per structure.

d Cluster developments, townhouses, and condominiums are permitted in the R-11 district, in which case, the Kenosha County Planning, Development & Extension Education Committee may set limits on structural size and number of units in each structure.

4 Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.

5 Provision has been made for adequate, continuing fire and police protection.

6 The population composition of the development will not have an adverse effect upon the individual town's capacity to provide needed school or other municipal service facilities.

7 Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

f That in the case of a proposed commercial Planned Unit Development Overlay District:

1 The economic practicality of the proposed development can be justified.

2 The proposed development will be adequately served by off street parking and truck service facilities.

3 The proposed development is adequately provided with and does not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.

4 The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

5 The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood or area.

g That in the case of a proposed industrial Planned Unit Development Overlay District:

1 The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.

2 The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas.

3 The proposed development will include adequate provisions for off street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.

4 The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

h That in the case of a proposed mixed use Planned Unit Development Overlay District: (3/2/10)

1 The proposed mixture of uses (i.e. residential, commercial, industrial) will produce a unified composite which is compatible within the underlying districts and which as a total entity is compatible with the surrounding neighborhood.

2 The various types of uses (residential, commercial, industrial) conform to the general requirements for each use as hereinbefore set forth, applicable to projects of such use and character.

3 The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.

4 The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas.

5 The proposed development will include adequate provisions for parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.

6 The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

i. That, in addition to the applicable provisions of subsection e above, in the case of an Agricultural Preservation Planned Unit Development Overlay District:

1 The proposed development promotes the purpose of an Agricultural Preservation Planned Unit Development Overlay District, which is to permit rural-character residential development that, over a period of time, will enable residential growth to occur and coexist with agricultural production, maximizing the value and enjoyment of the former while maintaining the availability and productivity of the latter, and thereby preserving the local community's agricultural and rural character.

2 The density of the proposed development, as approved by the Town, shall conform to the overlying Comprehensive Plan land use category, which shall be Suburban-Density Residential and/or Rural-Density Residential for new residential parcels and Farmland Protection and/or General Agriculture and Open Land for the remnant parcel, and with the underlying zoning district, which shall be A-1, R-1, or R-2 for new residential lots (depending on approved density) and A-1 or A-2 for the remnant parcel, all with an Agricultural Preservation Planned Unit Development overlay. Only single-family dwellings are allowable.

3 The proposed development satisfies the following residential lot design standards:

a All residential lots shall contain suitable soils for the installation of a private on-site waste treatment (septic) system and well.

b Residential lots shall have adequate access to existing or new state[1], county, or town rights-of-way. The proposed access point shall comply with the required access standards as established by the state, county, and town regulations. Shared driveways may be allowed or required.

c Residential lots shall provide adequate site drainage and not create adverse impacts on adjoining properties. Any drain tiles on the property shall be maintained or rerouted and, if damaged, repaired so as to not adversely impact any lands utilizing the existing drain tile, regardless of location.

d To the extent possible, residential lots shall be located adjacent to existing residential uses or lands designated as a residential zoning district, minimizing the number and length of edges between residential uses and agricultural operations.

e Residential lots shall be sized and located in a manner as to minimize the amount of tillable agricultural land converted to

[1] US 45 and STH 142 are Wisconsin DOT controlled access highways. Proposed access points along US 45 and STH 142 will require Wisconsin DOT review and approval.

nonagricultural use. Lots shall be a minimum of 2 acres and a maximum of 5 acres, excluding the remnant parcel, lifestyle farms and/or farm consolidations.

f Residential lots shall not create inefficient to farm remnant agricultural parcels based on the remnant parcels' shape, size or contiguity to other agricultural land.

g Residential lots shall be compatible with existing, planned, and/or permissible nearby agricultural practices, including the raising of livestock. So as to minimize the likelihood of future conflicts between residential uses and agricultural practices, the approved petition and site plan shall be recorded against the development and shall include a conspicuous notification apprising would-be owners of the proximity of the residential lots to existing and/or potential future agricultural practices, the externalities of which may impair the residential enjoyment of the parcel, and further to apprising the would-be lots' purchasers of the provisions of Wisconsin's "Right to Farm" law, sec. 823.08, Stats., as may be amended from time to time.

h Residential lots shall minimize the visibility of principal and accessory structures by utilizing landforms, existing vegetation, topography, new plantings, or other similar factors to provide screening. Existing vegetation and new plantings shall be maintained in good health. Dying vegetation and plantings shall be restored or replaced to their original condition by the responsible lot owner. New plantings shall be setback from the lot line a distance equal to ½ the full maturity of the new planting to prevent planting growth over lot lines. A formal landscaping plan and bond may be required by the Town. Notwithstanding the above, the aesthetics and appearance of a proposed development, vis-à-vis the rural character of the nearby properties, may be taken into account in reviewing a proposed development and in determining the extent of screening that shall be required. For example, property owners choosing to impose, by way of the inclusion of such a provision in the petition, which shall be recorded against the development upon approval, a restriction on residential lots so as to allow only the construction of Midwestern farmhouse style-homes thereon may require no screening at all. For purposes of this section, "Midwestern farmhouse-style homes" means those houses characterized by the following features: two stories; simple, vertical lines; a gable roof; light-colored wood or wood-appearance siding; and a front or wrap-around porch.

i Residential lots shall have an approximate depth to width proportion of 2:1, to the greatest extent possible.

j All allowable residential lots, based upon the property's approved density, shall be described and depicted on the proposed development's petition and site plan, including those lots that are not intended to be immediately created by subdivision plat or by certified survey map.

4 All parcels shown on an approved petition and site plan, specifically including all remnant parcels, shall be restricted against any future land division or rezoning for a period of 30 years from the date of the approval of the petition, except with respect to such residential lots as are described and shown on an approved petition and site plan but which were not created contemporaneously with the petition. The restriction shall further provided that, upon expiration of the 30-year period, the subject parcels may be rezoned or further divided only with the unanimous approval of the Town Board.

5. The Agricultural Preservation Planned Unit Development Overlay District is designed to be consistent the Kenosha County 2035 Multi-jurisdictional Comprehensive Plan and with the Town's subdivision requirements and procedures. Therefore, all Agricultural Preservation Planned Unit Development Overlay District petitions shall be reviewed and approved in conjunction with, or conditioned upon, a corresponding approval to change the property's Comprehensive Plan designation and with a corresponding approval by the Town of a land division creating one or more new lots consistent with the petition. If any of the Comprehensive Plan category change application, the proposed land division application, or the Agricultural Preservation Planned Unit Development Overlay District petition applications are denied for any reason, the other applications shall be denied as well.

(l) Determination

The County Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto adherence to the building, site, and operational plans for the development as approved by the County Board.

(m) Changes and Additions

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the designated Town Board and the Planning, Development & Extension Education Committee and if in the opinion of either such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Planning, Development & Extension Education Committee shall be required and notice thereof shall be given pursuant to the provisions of section 12.38 of this ordinance, and said proposed alterations shall be submitted to the County Board for approval. (11/5/84) With respect to an approved Agricultural Preservation Planned Unit Development Overlay District, a substantial alteration may be approved only by the County Board and unanimous consent of the Town Board.

(n) Subsequent Land Division

The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of Kenosha County and the individual Town.

(o) Failure to begin development if no substantial construction has commenced as defined in section 12.05-3 of this ordinance or no use established in the Planned Unit Development District within the time schedule submitted to the county board, the Kenosha County Department of Planning and Development shall petition the Kenosha County Board of Supervisors for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zone. The procedures set forth in section 12.38 of this ordinance, relating to the amendment of this ordinance shall be adhered to in its discretion and for good cause, the county board may extend for a reasonable period of time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If the Planned Unit Development Overlay District is rescinded, the Department of Planning and Development shall remove said district from the official zoning map. Those zoning regulations applicable before the creation of said district shall then be in effect and no vested rights in the Planned Unit Development Overlay District shall be deemed to have occurred. (3/2/10)

(p) List of adopted PUD Districts can be found in Appendix “F”. (3/2/10)

12.26-5 AO AIRPORT OVERLAY DISTRICT

(a) Primary Purpose and Characteristics

It is the intent of the Kenosha County Board of Supervisors in creating the Airport Overlay District to provide for the possibility of establishing a use district designed to coordinate the planning, development, and regulation of land uses in the vicinity of airports so as to ensure that the uses are mutually compatible with the operation of the airport and that any public investment in an airport is protected and further that public safety, welfare, health and convenience is served.

So as to address the problems which are associated with airport development, this district is distinguished by regulations relating but not limited to, safety, density, height restrictions and noise levels.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Definitions

In this section:

1 "Airport affected area" means that area contiguous to the airport property in which mutually compatible land uses would be in the public interest. The total length of an airport affected area may not exceed five (5) times the length of an existing or planned runway, and an airport affected area may not extend beyond the end of the runway by a distance exceeding twice the length of the existing or planned runway. The width of an airport affected area may not exceed one-half mile on either side of the center line of the existing or planned runway.

2 "Airport owner" means any city, village, town, county, or combination thereof which owns an approved airport.

3 "Approved airport" means any airport or future airport site:

a which has been approved as an airport site by appropriate state and federal agencies;

b which is included in the state airport system plan; and

c to which the fee simple is vested in the airport owner.

4 "Mutually compatible uses" means those uses of land which neither create an airport hazard to the safe operation of aircraft using the airport, nor are in such a location relative to the airport that inhabitants might be unduly endangered or otherwise adversely affected by the lawful operation of aircraft using the airport.

(c) Procedures for Creation of Airport Overlay District, AOD

1 Any airport owner may petition the Kenosha County Board of Supervisors for the purpose of creating an Airport Overlay District pursuant to the provisions set forth in section 12.38 of this ordinance, and

2 Prior to petitioning the Kenosha County Board of Supervisors for the purpose of creating an Airport Overlay District, the airport owner shall prepare for presentation to the Kenosha County Planning, Development & Extension Education Committee an airport affected area land use plan. Said plan shall be prepared in such a fashion so as to consider the social, economic, and environmental effects of the airport and airport operations on land in the vicinity of the airport and in the airport affected area and shall make provision for anticipated growth and coordination of planning efforts for other transportation modes for both passengers and freight. This plan shall reflect environmental, developmental and transportation goals for the area and shall be adopted by the airport owner. A copy of the land use plan, including maps and accompanying documents shall be submitted to the Secretary of the State Department of Transportation for review prior to submission to the Planning, Development & Extension Education Committee. This plan shall catalogue all existing land uses in the vicinity of the airport and in the airport affected area, project future characteristics involving the operation of the airport and the land requirements for said airport including the number and type of aircraft that will make use of the airport, the hours of operation and the necessary land acquisitions and easements needed for the safe operation of the airport. In addition, said plan shall delineate all noise zones and the type of uses that are both compatible and incompatible in said noise zones, and long-range estimates of noise impact. Said plan shall furthermore identify existing and future incompatible uses, designate alternative land use plans, and techniques for plan implementation, as well as evaluate the potential effects of these alternate land use plans and regulate techniques. The best alternative plan and technique shall be recommended. (11/5/84)

Accompanying said plans shall be all necessary noise contour maps and compatibility charts and tables and height restriction maps necessary for the safe operation of the airport facility.

(d) Upon the creation of an Airport Overlay District pursuant to the provisions of section 12.38 of this ordinance, navigational and meteorological structures shall be permitted and also the following principal uses shall be permitted provided they are permitted in the underlying basic use district and that there is no interference with existing or proposed navigational aids:

1 Agriculture, forestry, truck farming and other vegetable and plant crop cultivation, and roadside stands for the sale only of products grown on the premises.
2 Arboretum
3 Auto storage areas
4 Botanical gardens
5 Car rental agencies
6 Fish and bait hatcheries, and worm farms, including sale at wholesale or retail.
7 Game preserves
8 Golf courses
9 Greenhouses.
10 Marinas.

11 Nurseries, landscape.
12 Parking lots.
13 Picnic Areas.
14 Public works and public utility facilities such as water pumping stations, plants and reservoirs, electric transmission lines and substations.
15 Reservoirs
16 Riding academies, public and private stables
17 Sod farming
18 Water-treatment plants

(e) Upon the creation of the Airport Overlay District, only those accessory uses permitted in the underlying district shall be permitted provided, however, that there is no interference with existing or proposed navigational aids.

(f) Upon the creation of the Airport Overlay District, only the following conditional uses shall be permitted provided they are permitted as either principal or conditional uses in the underlying district. (see also section 12.29-8, Airport Overlay Conditional Uses):

1 Aviation schools
2 Banking services
3 Bottling plants
4 Building materials, storage yards or buildings, including sales of equipment commonly used by contractors
5 Cemeteries, columbaria, crematories, and mausoleums, subject to the approval of the Wisconsin Board of Health and Board of Adjustment.
6 Convention centers
7 Gas stations
8 Hotels and motels
9 Lumber yards, storage and sales
10 Night clubs
11 Office buildings
12 Recreational activities
13 Restaurants
14 Service and light industries and related offices and showrooms that manufacture, compound, assemble, process, package, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, including chemicals and allied products; food and beverage products; metal and metal products; textiles; bedding and fibers; wood and paper products; glass products; and plastic products
15 Sewage disposal plant
16 Shopping centers
17 Stone monument works
18 Terminals, (passenger, freight, taxi, bus)
19 Warehouses and related showrooms and offices
20 Wholesale distribution centers, including storage buildings, open storage areas, and related offices and showrooms.

(g) Special requirements.
The following special requirements shall apply for all principal, accessory and conditional uses allowed in the Airport Overlay District:

1 Lighting:

a Except as may be permitted as an airport navigational aid, a pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention-getting device shall be expressly prohibited.

b Flood lights, spot lights, or other lighting device shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.

c Any light which constitutes a "misleading light" within the meaning of TSO-N19 or such other regulations as may be thereafter duly adopted by the Civil Aeronautics Administration, is expressly prohibited.

2 Radio and Electronic:

a Any radio or electronic device shall be permitted only in conjunction with a valid license therefore or other authorization as may be issued by the Federal Communications Commission.

b Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission is expressly prohibited.

3 Smoke:

Any operation or use which emits smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.

(h) Lot area, width, yards and sanitation requirements.

Lot area, width, yard and sanitation requirements applicable in the underlying district shall apply in the Airport Overlay District.

(i) Height

Except for legal fences and farm crops, no structure shall be constructed, altered, located or permitted to remain after construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the "Height Restriction Maps" prepared in conjunction with the airport affected area land use plan provided for in section 12.26-5(c)2 of this ordinance.

(j) Noise

No principal, accessory or conditional use shall be permitted on a parcel unless the intended use is compatible with the sound levels expected to be generated on the parcel as shown on the Noise Contour Maps and compatibility charts and tables prepared in conjunction with the airport affected area land use plan provided for in section 12.26-5(c)2 of this ordinance.

(k) Amendment.

Any amendment to the Airport Overlay District shall not be effective until such time as the airport owner has been notified of the proposed amendment and been given an opportunity to notify the Kenosha County Planning, Development & Extension Education Committee of any adverse effect created by said amendment. (11/5/84)

12.26-6 RC RURAL CLUSTER DEVELOPMENT OVERLAY DISTRICT (8/6/02)

(a) Primary Purpose and Characteristics.
The purpose of the RC Rural Cluster Development Overlay District is to preserve rural landscape character, sensitive natural areas, farmland and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

1 To maintain and protect rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, and critical species habitat by setting them aside from development. Such areas are contained in primary environmental corridors as identified by the Southeastern Wisconsin Regional Planning Commission and are of particular significance for conservation.
2 To preserve scenic views and to minimize views of new development from existing streets.
3 To provide for the unified and planned development of clustered, single-family, low density residential uses, incorporating large areas of permanently protected common open space.
4 To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of the rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
5 To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
6 To create groups of dwellings with direct visual and physical access to common open space.
7 To permit active and passive recreational use of common open space by residents of developments within this district and by the public, when appropriate.
8 To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
9 To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
10 To permit various means for owning common open space and for protecting it from development in perpetuity.
11 To create an attitude of stewardship for the land within common open space by requiring a land management plan for the common open space.
12 To implement the objectives of any applicable adopted comprehensive plan or comprehensive plan component.

(b) RC Rural Cluster Development District Designation.
An RC Rural Cluster Development District designation may be placed on any site in the A-2, R-1 and C-2 Districts meeting the minimum tract size requirements specified in Section 12.26-6(g).

(c) Principal Uses.

1 Clustered single-family detached dwellings.
2 Single-family farmstead dwellings with associated agricultural structures as listed in Section 12.26-6(c) 6.f.
3 Community living arrangements having a capacity for 8 or fewer persons and which shall be in conformance with all state statutory requirements.
4 Essential services.
5 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and which are in conformance with all state statutory requirements.
6 Common open space for cluster development with uses permitted as follows:
    a Conservation of land in its natural state (for example, woodland, fallow field, or managed meadow.)
    b Game farm, fish hatchery, hunting and fishing preserve, wildlife sanctuary, forest preserve, or similar uses designated for the protection and propagation of wildlife.
    c Agricultural uses, including the cultivation, harvesting and sale of crops and related farm products, the raising and sale of livestock or fowl, along with associated pasture and barnyards, orchards, nurseries, greenhouses and related horticultural activities.
    d Pasture for recreational horses.
    e Growing and sale of Christmas trees.
    f Agricultural structures such as barns, silos, storage sheds, cribs, coops, and stables.
    g Interior cluster group open space.
    h Passive recreation, including, but not limited to, hiking trails, bicycle or bridle trails, picnic areas, community gardens, and lawn area.
    i Active recreation, including, but not limited to, playing fields, playgrounds and courts.
    j Parking areas where necessary to serve active recreation facilities.
    k Easements for access, drainage, sewer and water lines, or other public purposes.
    l Storm water management facilities including detention and retention basins.
    m Water supply and sewerage systems for individual lots, cluster groups, or the entire development.
    n Utility and street rights-of-way except that their land areas shall not count toward the minimum open space requirement.

(d) The following uses and activities are prohibited in common open space:
1 Use of motor vehicles except on approved roads, driveways and parking areas. Maintenance, law enforcement, emergency and farm vehicles are exempt from this provision.
2 Cutting of healthy trees, regrading, cutting and filling, topsoil removal, altering, diverting or modifying water courses or water bodies, except in compliance with a land management plan for the tract, conforming to customary standards of forestry, erosion control and engineering.
3 Intensive animal feed lot operations.

(e) Permitted Accessory Uses.

1 Accessory structures such as detached garages, sheds and boathouses (see also section 12.27-6)
2 Home occupations and professional home offices.
3 Small wind energy system
4 Solar energy system
~~3~~5 Swimming pools and spas (see also section 12.17)
~~4~~6 Fences (see also section 12.15-2)

(f) Conditional Uses.

1 Community living arrangements having 9 but not more than 15 persons which shall be in conformance with all state statutory requirements.
2 Model single-family homes and related real estate sales office located within the model unit
3 Utility substations.
4 ~~Wind energy conversion systems.~~Large wind energy system
5 Golf courses.
6 Community swimming pools.
7 Community center for the use of residents of the cluster development.

(g) Density and Dimensional Standards.

1 For residential dwelling with individual on-site sewage disposal absorption systems:

Development Standard	A-2 District	R-1 District and C-2 District
Minimum tract size	50 acres	25 acres
Maximum density [1]	1 du/10 acres	1 du/5 acres
Minimum lot area [2]	80,000 sq. ft.	40,000 sq. ft.
Minimum lot width [3]	200 feet	150 feet
Street yard	75 feet	50 feet
Shore yard	Not less than 75 feet from the ordinary high water mark of any navigable water	Not less than 75 feet from the ordinary high water mark of any navigable water
Side yard [4]	50 feet	25 feet
Rear yard	75 feet	50 feet
Accessory buildings setback and size regulations [5]	See section 12.27-6	See section 12.27-6
Minimum common open space [6]	60 percent	60 percent
Maximum building height (excluding agricultural structures)	35 feet	35 feet
Maximum building coverage (percentage of individual lot)	10 percent	10 percent

a Existing dwellings that may or may not be part of a farmstead shall be counted towards the total density. For the purposes of this section, acres refers to gross

land area including all lands within the tract, except existing street, railroad, and utility rights-of-way. Only 20 percent of wetlands and floodplain may be counted toward the calculation of density.

b For an existing farmstead on a tract used for cluster development, the minimum lot area shall be 5 acres or a lot large enough to accommodate all structures within a building envelope created by a 100-foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to 200 feet.

c Lot frontage may be reduced on lots located on a cul-de-sac or curve to 100 feet of frontage in the A-2 District and 80 feet in the R-1 and C-2 Districts provided there is at least 200 feet of width at the required setback line in the A-2 District and 150 feet in the R-1 and C-2 Districts.

d When dwelling units are not located on individual lots, such as in a condominium development, they shall be separated from one another by a minimum distance of 100 feet in the A-2 District and 50 feet in the R-1 and C-2 Districts.

e Accessory buildings are not permitted in front yards.

f In the calculation of common open space areas, the following shall be excluded: private lot areas, public or private street and highway rights-of-way, railroad and utility rights-of-way, parking areas, and areas not meeting the requirements of Subsection 12.26-6(j) 9.

2 For residential dwellings with public sanitary sewer:

Development Standard	A-2, R-1 and C-2 Districts
Minimum tract size	A-2 District: 50 acres R-1 and C-2 Districts: 25 acres
Maximum density [1]	A-2 District: 1 du/10 acres R-1 and C-2 Districts 1 du/5 acres
Minimum lot area [2]	20,000 square feet
Minimum lot width [3]	100 feet
Street yard	30 feet
Shore yard	Not less than 75 feet from the ordinary high water mark of any navigable water
Side yard [4]	10 feet minimum one side 20 feet both sides
Rear yard	25 feet
Accessory building setback from side and rear lot lines [5]	See Section 12.27-6
Minimum common open space [6]	70 percent
Maximum building height (excluding agricultural structures)	35 feet
Maximum building coverage (percentage of individual lot)	15 percent

a Existing dwellings that may or may not be part of a farmstead shall be counted towards the total density. For the purposes of this section, acres refers to gross land area including all lands within the tract, except existing street, railroad, and

utility rights-of-way. Only 20 percent of wetlands and floodplain may be counted toward the calculation of density.

b For an existing farmstead on a tract used for cluster development, the minimum lot area shall be 5 acres or a lot large enough to accommodate all structures within a building envelope created by a 100-foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to 200 feet.

c Lot frontage may be reduced on lots located on a cul-de-sac or curve to 50 feet of frontage provided there is at least 100 feet of width at the required setback line.

d When dwelling units are not located on individual lots, such as in a condominium development, they shall be separated from one another by a minimum distance of 60 feet.

e Accessory buildings are not permitted in front yards.

f In the calculation of common open space areas, the following shall be excluded: private lot areas, public or private street and highway rights-of-way, railroad and utility rights-of-way, parking areas, and areas not meeting the requirements of Subsection 12.26-6(j) 9.

(h) Separation Distances for Cluster Groups.

1 The outer boundaries of all cluster groups shall conform to the following separation distances:

From abutting arterial street proposed rights-of-way or from scenic roads, if defined in a town comprehensive plan of comprehensive plan component	100 feet
From all other external street proposed rights-of-way	50 feet
From all tract boundaries	100 feet
From cropland or pasture land	100 feet
From barnyards or buildings housing livestock	300 feet
From other cluster groups	100 feet
From wetlands, floodplains, or watercourses	35 feet
From active recreation areas, such as courts or playing fields	100 feet

2 All separation areas for cluster groups along existing streets shall be landscaped in accordance with Section 14.08-15 of the Kenosha County Land Division Control Ordinance in order to block views of new residential development, preserve scenic views, and to protect rural landscape character.

3 The dimensional standards in Section 12.26-6(h) 1 may be reduced as follows:

a The separation distances along existing arterial streets and tract boundaries may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen.

b All other separation distances may be reduced up to 50 percent if the applicant can demonstrate that such reduced setbacks improve the plan's compliance

with the cluster group design standards in Section 12.26-6(j), the intent of this ordinance, and the objectives of any applicable comprehensive plan or comprehensive plan component.

(i) Design Standards for Cluster Groups.

1 All dwelling shall be grouped in clusters groups, each of which shall contain at least 2 but not more than 12 units and shall be surrounded by common open space.

2 Cluster groups may contain more than 12 units, and cluster groups may be assembled into larger groupings not separated by common open space, provided that the applicant can demonstrate that such an alternative plan is more appropriate for the tract and will meet both the general intent and design standards of this ordinance.

3 A plat may contain one or more cluster groups.

4 Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and interior open space. When the development does not contain individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 100 feet.

5 The outer boundaries of each cluster group shall meet the separation distances specified in Section 12.26-6(h).

6 Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way is designed as a boulevard.

7 All lots in a cluster group shall take access from interior streets.

8 All lots in a cluster group shall abut common open space to the front or rear for a distance of at least 50 feet. Common open space across a street shall qualify for this requirement.

9 In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and onsite soil absorption system.

10 Street trees shall be required in cluster groups at a minimum rate of one 2-inch caliper tree per dwelling unit and shall comply with the requirements of Section 14.08-15 of the Kenosha County Land Division Control Ordinance.

(j) Design Standards for Common Open Space

1 The location of common open space shall be consistent with the objectives of any applicable comprehensive plan or comprehensive plan component.

2 All open space areas shall be part of a larger contiguous and integrated open space system. At least 75 percent of the common open space shall be contiguous to another common open space area. For the purpose of this section, contiguous shall be defined as located within 100 feet across which access is possible, for example on opposite sides of an internal street.

3 Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this ordinance. Primary and secondary environmental corridors and isolated natural areas as identified by the Southeastern Wisconsin Regional Planning Commission are of particular significance for protection.

4 Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by professionals in the area being modified. Permitted modifications may include woodland management, reforestation, meadow management, wetlands management, stream bank protection, and buffer area landscaping.

5 All wetland, floodplain, unique wildlife habitat areas, steep slopes over 12 percent, 100 percent of lowland environmental corridor and at least 80 percent of upland primary environmental corridors shall be contained in common open space.

6 Common boundaries with existing or future open space on adjacent tracts, when shown in an applicable comprehensive plan or comprehensive plan component, shall be established whenever possible.

7 To preserve scenic views, ridge tops and hill tops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hill tops.

8 At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lot areas and residential development. This limitation may be exceeded under the following conditions:

a The site is primarily wooded and development at permitted density would not be possible without encroaching further on woodlands.

b Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density.

9 No common open space shall be less than 10,000 square feet in area, with the exception of landscape islands in cul-de-sac streets, and not less than 30 feet in width at any point. Open space not meeting this standard shall not be counted toward the total required percentage of common open space.

10 The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences or fence posts, are used, they shall be the minimum needed to accomplish the objective.

11 Trails in common open space that are located within 50 feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.

12 Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.

13 Common open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

14 Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:

a At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than 50 feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this ordinance.

b Access to common open space used for agriculture may be restricted for public safety and to interference with agricultural operations.

(k) Ownership and Maintenance of Common Facilities and Open Space.

1 The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities. Ownership methods shall conform to the following:

a Homeowners Association.
Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

1) The applicant shall provide to the Kenosha County Department of Planning and Development a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.

2) The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.

3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.

4) The organization shall be responsible for maintenance and insurance of common facilities.

5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.

6) The organization shall have or hire adequate personnel to administer, maintain, and operate common facility.

7) The applicant for any tract proposed to contain common facilities shall arrange with the Town Assessor a method of assessment of the common facilities which will allocate to each to each tax parcel in the development a share of the total tax assessment for such common

facilities. Real estate taxes shall be paid by the individual unit owner directly to the Town.

8) Written notice of the proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given at all members of the organization and to the Town and County at least 39 days prior to such event.

b Condominium

Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved by the Town/County Attorney and shall be in conformance with the "Condominium Ownership Act" of 1977 (Chapter 703, Wisconsin Statutes), as amended. All common open space and other common facilities shall be held as "common element" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

c Fee simple dedication to a public agency.

The Town/County or other public entity acceptable to the Town/County may, but shall not be required to, accept any portion of the common facilities, provided that:

1) There shall be no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance);
2) Any facilities so dedicated shall be accessible to the residents of the Town/County, if the Town/County so chooses;
3) The Town/County or other public entity shall maintain such facilities.
4) The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.

d Dedication of conservation easements to a public agency.

The Town/County or other public agency acceptable to the Town/County may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:

1) There shall be no cost of easement acquisition (other than costs incidental to the transfer of ownership, such as title insurance);
2) A satisfactory maintenance agreement shall be reached between the owner and the Town/County.
3) Lands under a Town/County easement may or may not be accessible to the residents of the Town/County.

e Fee simple dedication to a private conservation organization.

An owner may dedicate any portion of the common facilities to a private, not-for-profit conservation organization, provided that:

1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.

f Transfer of easements to a private conservation organization.

1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.

g Ownership retained by the original landowner.

1) The Town/County and the residents of the development shall hold conservation easements on the land protecting it from any further development.
2) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

h Other methods acceptable to the Kenosha County Department of Planning and Development.

2 Maintenance and operation of common facilities.

a A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Kenosha County Department of Planning and Development prior to preliminary plan approval. Such plan shall:

1) Define ownership;
2) Establish necessary regular and periodic operation and maintenance responsibilities, including mowing schedules, weed control, planting schedules, clearing and cleanup.
3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
4) At the discretion of the Kenosha County Department of Planning and Development, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

b In the event that the organization established to own and/or maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the County/Town may serve written notice upon such organization, and upon the residents and owners of the uses related thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance, and any permits may be revoked or suspended. The County/Town may enter the premises and take corrective action.

c The costs of corrective action by the County/Town shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The County/Town, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

3 Leasing of common open space lands.

Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

a The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.

b The common open space lands to be leased shall be maintained for the purpose set forth in the ordinance.

c The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.

d The lease, and any transfer of assignment thereof, shall be subject to the approval of the County/Town Board.

e Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the County/Town/ Board.

4 Conservation.

Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Kenosha County Department of Planning and Development and duly recorded in the office of the County Register of Deeds.

12.26-7 TCO TOWN CENTER OVERLAY DISTRICT (3/2/10)

(a) Primary Purpose and Characteristics

The TCO Town Center Overlay District is intended to provide for the orderly and attractive grouping of residential and business uses in the style of a downtown or main street in Town Center locations in the unincorporated area of Kenosha County. Such sites shall be consistent with an overall plan prepared for the selected "downtown area" and designated areas shall be served by a full range of urban services appropriate for an intense mixed-use shopping/customer service and dense residential area that allows retail/office uses on the ground floor and residential uses above. The uses intended for this District may provide a high level of public services including public sewer and water facilities and safety services such as police and fire protection within easy access, thus requiring review of plans and specifications to assure that adequate public services are provided to the range of businesses permitted. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2).

Before designating the TCO- Town Center Overlay District area, an overall development plan shall be prepared designating the extent of the development and providing an overall development plan showing the location of businesses, traffic circulation and parking areas and other amenities (such as parks, arcades, and landscaping) and showing proposed building styles and architecture. Specific "Design Guidelines" shall be required to be prepared for each TCO Town Center Overlay District area. Said "Design Guidelines" shall be considered a part of the overall development plan for the TCO District. Said "Design Guidelines" shall be approved by the Kenosha Department of Planning and Development, and adopted as an Ordinance by the local unit of government in which the specific TCO District is located. Said "Design Guidelines" shall specifically address and set forth standards for: on-site landscaping, off-street parking landscaping, bufferyard landscaping, outdoor lighting, minimum lot areas, maximum residential density, loading and access requirements, architectural design standards including exterior building materials, outdoor display and outdoor sales requirements, and other areas of design concern of the local unit of government in which the TCO District is located.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Department of Planning and Development pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

1 Any principal use permitted in the B-1 Neighborhood Business District, B-2 Community Business District or B-3 Highway Business District.

(c) Accessory Uses

1 Garages for the storage of vehicles used in conjunction with the operation of the business and/or residential tenants

2 Off-street parking and loading where possible

3 Residential quarters located in the same building as the business.

4 Small wind energy system
~~3~~5 Solar energy system

(d) Conditional Uses (see also section 12.29-8)
1 Automotive body repair
2 Automotive sales, service and repairs including related towing
3 Car washes
4 Farmers and Crafters markets
5 Gasoline service stations
6 Marine sales and service
7 Multi-Family Residential Development as provided for in the adopted overall development plan for the district.
8 Restaurants, bars or taverns with outdoor dining, entertainment or recreation (i.e. volleyball, horseshoes, etc.).
9 Utility substations

(e) Lot Area and Width
1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area as provided in the adopted overall development plan for the district.
2 Multi-family residential projects in the TCO- Town Center Overlay District shall not exceed 17 dwelling units per net acre for market housing or 22 units per acre for housing for the elderly.

(f) Building Height and Area
1 No building or parts of building shall exceed 35 feet in height.
2 No maximum or minimum building area shall be required in the TCO Town Center Overlay District due to the variety of uses within the District and the diverse building demands of each user.
3 Multi-family units permitted in the TCO Town Center Overlay District shall provide a minimum of:
a. 500 square feet for an efficiency apartment.
b. 700 square feet per unit for a one-bedroom apartment.
c. 1,000 square feet per unit for a two bedroom or larger apartment.

(g) Yards
1 Street yard – not less than 5 feet from the right-of-way of all Federal, State Trunk or County Trunk highways and all other roads. NOTE: The ground between the building and the right-of-way shall be hard surfaced for a pedestrian way or area.
2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water.
3 Side yard – No side yard is required when the overall development plan provides for buildings to abut one another. When a side yard is provided, there shall be at least 15 feet between buildings.
4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems
1 Public sanitary sewer

V. EXCEPTIONS AND ACCOMMODATIONS

A. MODIFICATIONS AND EXCEPTIONS

12.27-1 HEIGHT EXCEPTIONS
The following structures or parts thereof are allowed to exceed the height limitations set forth in the several districts as set forth in this section unless restrictions are provided pursuant to the issuance of a conditional use permit under section 12.29 of this ordinance or unless restrictions are set forth by the historical preservation board pursuant to section 12.26-2 of this ordinance respectively:

(a) Architectural Projections
Spires, belfries, steeples, cupolas, domes, parapet walls, chimneys and flues shall not exceed the height required by the district by more than the distance from the nearest lot line provided that such projection is firmly anchored or affixed to the structure.

(b) Communication Structures (8/6/02)
Radio and television transmission and relay tower, cellular and digital communication towers (mobile service support structures as defined in Wis. Stat. §66.0404(1) (n)), and aerials provided however, that said structures shall not exceed in height-their distance from the nearest lot line unless designed to collapse within a smaller area as evidence by an engineering certification submitted to Planning & Development.

(c) Essential Services
Utility poles, water towers, standpipes, electric power and communication transmission lines with the provision, however, that said structures are exempt from the height limitations of this ordinance.

(d) Special Structures
Elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks may be exempted from the height limitations of this ordinance.

(e) Other Structures
Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

12.27-2 YARDS (8/6/02)
The following structures or parts thereof shall be allowed to project into or to be constructed in a required yard within the area otherwise prohibited by a building yard line unless restrictions are provided pursuant to the issuance of a conditional use permit under section 12.29 of this ordinance or unless restrictions are set forth by the historical preservation board pursuant to sections 12.11 and 12.26-2 of this ordinance respectively:
(a) Awnings and canopies not to exceed four (4) feet into any yard

(b) Balconies not to exceed six (6) feet into any rear yard or side yard and not closer than three (3) feet to any lot line. Balconies are not permitted to project into a street yard or shore yard.

(c) Bay windows not to exceed four (4) feet into any yard.

(d) Belt courses and ornaments not to exceed three (3) feet into any yard.

(e) Chimneys, flues, not to exceed two (2) feet into any yard

(f) Clothesline posts (rear or side yard only)

(g) Decks not to exceed ten (10) feet into any required rear yard or side yard, and not closer than five (5) feet to any side lot line or fifteen (15) feet to any rear lot line.

(h) Driveways shall not be closer than two (2) feet to any side lot line.

(i) Eaves not to exceed three (3) feet into any yard

(j) Essential Services, utilities, electric power and communication transmission lines are exempt from the yard requirements of this ordinance.

(k) Fire escapes not projecting into the required rear or side yard by more than six (6) feet and not closer than three (3) feet to any lot line.

(l) Fences, walls and hedges in accordance with section 12.15 of this Ordinance. Where fences on adjoining properties existing prior to September 1, 1984, are located closer than two (2) feet to a public right-of-way, the applicant may construct a fence with an equal encroachment upon the required setback. (11/5/84)

(m) Flagpoles in any yard

(n) Garbage containers, non-permanent (rear yard only)

(o) Guardhouse or gatehouse or bus shelters in any street yard

(p) Landscape features such as sun dials, terraces, (open), ornamental lights, birdbaths, etc.

(q) Mailbox located in highway right-of-way

(r) Off-street parking lots are permitted in rear yards in all districts (except one- and two-family residential districts) and in front and side yards in the business and industrial districts provided the parking shall not be closer than twenty (20) feet to the public right-of-way if the business or industrial district abuts a residential district and not closer than ten (10) feet to a lot line if the business or industrial district abuts a residential district.

(s) Open or enclosed porches shall not extend into or encroach upon any setback requirement.

(t) Overhanging Roof, eaves, gutter, cornice or other architectural feature not to exceed three (3) feet.

(u) Patios are permitted in any yard except street yards and shore yards and shall be located at least five (5) feet from any side or rear lot line.

(v) Planting boxes into any yard

(w) Recreational apparatus (except swimming pools and tennis courts) (rear and side yard only) such as playground equipment

(x) Satellite dish antennas in excess of two (2) feet in diameter shall be at least five (5) feet from a side or rear lot line. Satellite dish antennas in excess of two (2) feet in diameter shall not be located in a street yard or shore yard. Freestanding hobby radio towers not more than fifty (50) feet in height may be located in a side or rear yard only, and guy wires must be at least five (5) feet from any side or rear lot line in a residential district.

(y) Sidewalks, driveways, and steps for access purposes into any yards

(z) Signs (in accordance with section 12.14 of this Ordinance)

(aa) Steps, stairs (entry) and landings to a dwelling, (uncovered and non-enclosed) not to project more than five (5) feet (landing not to exceed five (5) feet by six (6) feet) into the street yard or shore yard; no closer than three (3) feet to any side lot line and no closer than fifteen (15) feet to any rear lot line.

(bb) Structural steps and stairs in the shore yard necessary for access to the lake shall not exceed five (5) feet in width, and any necessary landings shall not exceed 32 square feet in area (see section 12.18-4).

(cc) Trees, shrubs, flowers and other plants, in accordance with the vision requirements of section 12.13-1 of this ordinance.

(dd) Yard and service lighting fixtures, poles into any yard

12.27-3 AVERAGE STREET YARDS AND SHORE YARDS (8/6/02)

(a) Reduced Principal Structure Setback in The Street yard. A setback less than the 65’ required setback from the right-of-way of a State or County Trunk Highway or less than the 30’ required setback from the right-of-way of any other road shall be permitted for a principal structure and shall be determined as follows:

1 Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the right-of-way provided all of the following are met:

a Both of the existing principal structures are located on adjacent lot to the proposed principal structure.

b Where one or both of the existing principal structures are located within 250’ of the proposed principal structure and are the closest structure.

c Both of the existing principal structures are located less than 65’ from the right-of-way of a State or County Trunk Highway or less than 30’ from the right-of-way of any other road.

d The average setback shall not be reduced to less than 50’ from the right-of-way of a State or County Trunk Highway or less than 20’ from the right-of-way of any other road.

2 Where there is an existing principal structure in only one direction, the setback shall equal the average of the distance the existing principal structure is set back from the right-of-way and the required setback of 65’ from the right-of-way a State or County Trunk Highway or the required setback of 30’ from the right-of-way of any other road provided all of the following are met:

a The existing principal structure is located on adjacent lot to the proposed principal structure.

b The existing principal structure is located within 250’ of the proposed principal structure and is the closest structure.

c The existing principal structure is located less than 65’ from the right-of-way of a State or County Trunk Highway or less than 30’ from the right-of-way of any other road.

d The average setback shall not be reduced to less than 50’ from the right-of-way of a State or County Trunk Highway or less than 20’ from the right-of-way of any other road.

Unless exempt under 12.27-3 (a) or reduced under 12.27-3 (b), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

(b) Exempt Structures. All of the following structures are exempt from the shoreland setback standards:

1 Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor. A boathouse is a non-habitable structure and shall be designed and used exclusively for marine equipment, no fireplaces, patio doors, plumbing, heating, air conditioning, cooking facilities or other features inconsistent with the use of the structure exclusively as a boathouse shall be allowed. (see also 12.27-6(j) Accessory Building Regulations)

2 Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats.

3 Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

4 Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS Comm 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

~~4~~5 Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

~~5~~6 Devices or systems used to treat runoff from impervious surfaces.

(c) Existing Exempt Structures. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(d) Reduced Principal Structure Setback In The Shoreland. A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows (See Appendix E):

1 Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

a Both of the existing principal structures are located on adjacent lot to the proposed principal structure.

b Where one or both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.

c Both of the existing principal structures are located less than 75' from the ordinary high water mark.

d The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

2 Where there is an existing principal structure in only one direction, the setback shall equal the average of the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:

a The existing principal structure is located on adjacent lot to the proposed principal structure.

b The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.

c The existing principal structure is located less than 75' from the ordinary high water mark.

d The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

12.27-4 NOISE
Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

12.27-5 CORNER LOTS (8/6/02)
Each corner lot shall have two street yards, one side yard, and one rear yard. The side and rear yard are interchangeable for setback purposes.

~~**12.27-6 ACCESSORY BUILDING REGULATIONS** (8/6/02)~~
~~Accessory buildings are permitted in each district as specified herein. An accessory building zoning permit shall be required. Accessory buildings are permitted only after their principal structure is present or under construction. The location requirements stipulated elsewhere in this Ordinance may be modified for accessory buildings as follows:~~

~~(a) Agricultural buildings, used for agricultural purposes only, such as barns, silos, bins, sheds, and farm machinery sheds in the A-1, A-2, A-3 and A-4 agricultural districts shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the yard and height requirement of the agricultural districts. There shall be a building separation of at least 10 feet between buildings. Non-agricultural accessory buildings are permitted only after the residence is present on the parcel.~~

~~(b) Detached accessory buildings on nonconforming agricultural-zoned parcels greater than five (5) acres but less than ten (10) acres in area shall conform to the accessory building standards for the R-1 and C-2 districts. Detached accessory buildings on nonconforming agricultural parcels less than five (5) acres but greater than 40,000 square feet in area shall conform to the accessory building standards for the R-2 and R-7 districts. Detached accessory buildings on nonconforming agricultural parcels less than 40,000 square feet in area shall conform to the accessory building standards for the R-3 and R-8 districts.~~

~~(c) Detached accessory buildings in the R-1 Rural Residential District and the C-2 Upland Resource Conservancy District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least 10 feet from the principal structure, and a minimum of 10 feet from any side or rear lot line. There shall be a maximum of three detached accessory buildings, excluding gazebos and pool houses not more than 150 square feet in area and 12 feet in height. One accessory building shall be limited to a maximum of 150 square feet in area and a maximum of 12 feet in height. The other two buildings shall be limited to a total of 1,800 square feet in area and shall not exceed 20 feet in height. There shall be a minimum separation of 10 feet between accessory buildings.~~

~~(d) Detached accessory buildings in the R-2 Suburban Single-Family Residential District and the R-7 Suburban Two-Family and Three-Family Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least 10 feet from the principal structure, and a minimum of 5 feet from any side or rear lot line. There shall be a maximum of two detached accessory buildings, excluding gazebos and pool houses not more than 150 square feet in area and 12 feet in height. One accessory building shall be limited to a maximum of 1,500 square feet in area and a maximum of 20 feet in height. The second building shall be limited to a maximum of 150 square feet in area and a maximum height of 12 feet. The two buildings shall not exceed a total of 1,650 square feet in area. There shall be a minimum separation of 10 feet between accessory buildings.~~

~~(e) Detached accessory buildings in the R-3 Urban Single-Family Residential District and the R-8 Urban Two-Family Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least 10 feet from the principal structure, and a minimum of 5 feet from any side or rear lot line. There shall be a maximum of two detached accessory buildings, excluding gazebos and pool houses not more than 150 square feet in area and 12 feet in height. One accessory building shall be limited to a maximum of 1,000 square feet in area and a maximum of 20 feet in height. The second building shall be limited to a maximum of 150 square feet in area and a maximum height of 12 feet. The two buildings shall not exceed a total of 1,150 square feet in area. There shall be a minimum separation of 10 feet between accessory buildings.~~

~~(f) Detached accessory buildings in the R-4 Urban Single-Family Residential District, the R-5 Urban Single-Family Residential District, the R-6 Urban Single-Family Residential District, and the R-12 Mobile Home Park-Subdivision District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least 10 feet from the principal structure, and a minimum of 5 feet from any side or rear lot line. There shall be a maximum of two detached accessory buildings, excluding gazebos and pool houses not more than 150 square feet in area and 12 feet in height. One accessory building shall be limited to a maximum of 720 square feet in area and a maximum of 17 feet in height. The second building shall be limited to a maximum of 150 square feet in area and a maximum height of 12 feet. The two buildings shall not exceed a total of 870 square feet in area. There shall be a minimum separation of 10 feet between accessory buildings.~~

~~(g) Detached accessory buildings in the R-9, R-10, and R-11 Multiple-Family Residential Districts are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least 10 feet from the principal structure, and a minimum of 5 feet from any side or rear lot line. However, when abutting a single-family residential district, accessory buildings shall be a minimum of 10 feet from any side or rear lot line. Permitted detached accessory buildings shall not exceed 20 feet in height.~~

~~(h) Any detached accessory buildings less than 720 square feet shall not exceed a maximum height of twelve (12) feet. Detached accessory buildings in all other districts shall meet the minimum setback requirements as outlined in each district.~~

~~(i) If the total number of detached accessory buildings existing on a parcel exceeds the total number permitted in the district, no additional buildings or additions to existing buildings shall be permitted unless buildings in excess of the district standard are removed.~~

~~(j) Boathouses, accessory to permitted uses, may be located within a shore yard and entirely within the access and viewing corridor, but shall not be closer to a lake, stream, pond, or wetland than the ordinary high water mark. A boathouse is a non-habitable structure and shall be designed and used exclusively for marine equipment and shall meet the following requirements:~~

- ~~used by the owner or occupant of the parcel;~~
- ~~one (1) boathouse per shoreland lot;~~
- ~~not to be closer than three (3) feet to any side lot line; and the boathouse shall be constructed in such manner as to orient the main opening of the boathouse toward the lake;~~
- ~~not exceed four hundred and fifty (450) square feet measured outside wall to outside wall;~~
- ~~not to exceed one story, with a minimum wall height of 10 feet;~~
- ~~maximum height of twelve (12) feet above the existing shoreline grade except when bluff and/or steep slope conditions exist, (in such cases, it shall not exceed the height of the top grade elevation of said shoreland lot);~~
- ~~maximum width parallel to the shore of fifteen (15) feet;~~
- ~~not to contain fireplaces, patio doors, plumbing, heating, air conditioning, cooking facilities or other features inconsistent with the use of the structure exclusively as a boathouse;~~
- ~~no attached or detached decks or patios;~~
- ~~maximum of 10 square feet of window surface may be allowed on each side;~~
- ~~no more than one service door not to exceed 36 inches in width. The service door shall not be on the water body side of the structure;~~
- ~~no more than one garage style access door not exceeding 10 feet in width and no less than 8 feet in width. The garage style door shall be on the water body side of the structure.~~

~~The roof of a boathouse may be used as a deck provided that:~~

~~1. The boathouse has a flat roof.~~
~~2. The roof has no side walls or screens.~~
~~3. The roof may have a railing that meets the Department of Safety and Professional Services standards.~~

~~(k) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats.~~

~~1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.~~
~~2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.~~
~~3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.~~
~~4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a VEGETATIVE BUFFER ZONE (see 12.18-10) that covers at least~~

~~70% of the half of the shoreland setback area that is nearest to the water, unless exempt under 12.18-2(b)2(f).~~

~~SUMMARY OF REGULATIONS FOR DETACHED ACCESSORY BUILDINGS~~				
~~ZONING DISTRICT~~	~~MAXIMUM NUMBER OF BUILDINGS~~	~~MAXIMUM SIZE (square feet)~~	~~TOTAL AREA~~	~~MAXIMUM HEIGHT (feet)~~
~~R-1~~	~~1~~ ~~2~~	~~150~~ ~~total 1800~~	~~1950~~	~~12~~ ~~20~~
~~R-2~~	~~1~~ ~~1~~	~~150~~ ~~1500~~	~~1650~~	~~12~~ ~~20~~
~~R-3~~	~~1~~ ~~1~~	~~150~~ ~~1000~~	~~1150~~	~~12~~ ~~20~~
~~R-4~~	~~1~~ ~~1~~	~~150~~ ~~720~~	~~870~~	~~12~~ ~~17~~
~~R-5~~	~~1~~ ~~1~~	~~150~~ ~~720~~	~~870~~	~~12~~ ~~17~~
~~R-6~~	~~1~~ ~~1~~	~~150~~ ~~720~~	~~870~~	~~12~~ ~~17~~
~~R-7~~	~~1~~ ~~1~~	~~150~~ ~~1000~~	~~1650~~	~~12~~ ~~20~~
~~R-8~~	~~1~~ ~~1~~	~~150~~ ~~1000~~	~~1150~~	~~12~~ ~~20~~
~~R-9~~	~~No Limit~~	~~No Limit~~	~~No Limit~~	~~20~~
~~R-10~~	~~No Limit~~	~~No Limit~~	~~No Limit~~	~~20~~
~~R-11~~	~~No Limit~~	~~No Limit~~	~~No Limit~~	~~20~~
~~R-12~~	~~1~~ ~~1~~	~~150~~ ~~720~~	~~870~~	~~12~~ ~~17~~
~~C-2~~	~~1~~ ~~2~~	~~150~~ ~~Total 1800~~	~~1950~~	~~12~~ ~~20~~

~~**Setback Requirements shall be as follows:**~~

~~ZONING DISTRICT~~	~~SEPARATION BETWEEN BUILDINGS~~	~~SIDE YARD (feet)~~	~~REAR YARD (feet)~~	~~SHORE YARD (feet)~~
~~R-1~~	~~10~~	~~10~~	~~10~~	~~75~~
~~R-2~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-3~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-4~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-5~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-6~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-7~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-8~~	~~10~~	~~5~~	~~5~~	~~75~~
~~R-9~~	~~10~~	~~5[a]~~	~~5[a]~~	~~75~~
~~R-10~~	~~10~~	~~5[a]~~	~~5[a]~~	~~75~~
~~R-11~~	~~10~~	~~5[a]~~	~~5[a]~~	~~75~~
~~R-12~~	~~10~~	~~5~~	~~5~~	~~75~~
~~C-2~~	~~10~~	~~10~~	~~10~~	~~75~~

~~a – 10 feet if abutting a single-family residential district~~
~~For boathouse restrictions, see Section 12.27-6 (j)~~

~~Parcels in agricultural districts shall comply with the lot area, width, and yard requirements of the district in which they are located.~~
~~Excludes gazebos and pool houses not more than 150 square feet in area and 12 feet in height.~~

B. NON-CONFORMING LOTS, STRUCTURES AND USES

12.28-1 INTENT

Within the Districts established by this ordinance or amendment thereof, there may exist lots, structures and uses of land and structures which were lawful before this ordinance was enacted or amended, but which would be prohibited in the future under the terms of this ordinance or amendment.

It is the intent of the Kenosha County Board of Supervisors to permit these non-conforming lots, structures and uses existing as of the effective date of this ordinance or amendment thereof to remain and continue in accordance with the provisions hereinafter set forth until they are removed by economic forces or otherwise. It is not the intent of this section to encourage the survival of non-conformities since it has been determined that they are incompatible with the character of the districts involved, or to permit non-conformities to be enlarged upon, expanded, or extended except as provided for herein. Existing non-conformities shall not be used to justify adding structures or uses prohibited elsewhere in the same district.

It is the further intention of the Kenosha County Board of Supervisors that the guidelines be set for the purpose of determining:

(a) That the non-conforming lot, structure or use existed prior to the effective date of this ordinance or amendment thereto;

(b) The ways in which the right of the non-conforming lot or structure to remain can be served and the ways in which the right to continue non-conforming uses can be lost;

(c) The extent of permissible variation in the non-conforming lot, structure and use; and,

(d) The devices available for eliminating such non-conforming lots, structures and uses.

12.28-2 DEFINITIONS

(a) Assessed value

The full market value placed upon the structure or lot by the Kenosha County Assessor as of the date that the non-conformity came into being, that is, the effective date of this ordinance or amendment thereto. Such valuation by the county assessor shall be prima facie evidence of the assessed value of the structure or lot.

(b) Legally existing

A lot, structure or use existing on the effective date of this ordinance or amendment thereto which was created, built or established in accordance with zoning and land use regulations in effect in the township wherein the parcel is located immediately prior to the effective date of this ordinance or amendment thereto or a lot, structure or use for which a zoning permit was issued prior to the effective date of this ordinance or amendment thereto in accordance with the provision of section 12.02-5 of this ordinance.

(c) Non-conforming Lot (8/6/02)

A non-conforming or substandard lot is defined as a parcel of land legally created prior to the effective date of this ordinance having frontage on a public street, easement of record or other officially approved means of access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

(d) Non-conforming Structure
A non-conforming structure is one which was legally constructed prior to the effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this ordinance or amendment thereto because the structure is not in conformance with the yards, height, coverage, or floor area ratio requirements of the district in which it is located. A structure located on a non-conforming lot shall not be classified as a non-conforming structure solely because of insufficient lot area or width.

(e) Non-conforming use
A non-conforming use is an activity utilizing land or structures or both legally established prior to the effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new use in the district in which it is located under the terms of this ordinance.

12.28-3 CURRENT RECORD OF NON-CONFORMING USES (6/12/12)

(a) The Kenosha County Department of Planning and Development shall in accordance with section 59.69(10)(b) and (c), of the Wisconsin Statutes, make a record immediately after the approval of this ordinance or amendment thereto, or change in district boundaries approved by the Town Board, all lands, premises and buildings in the townships used for purposes not conforming to the regulations applicable to the district in which they are situated. Such records shall include the legal description of the lands, the nature and extent of the uses therein, the names and addresses of the owner or occupant or both, extent of the non-conformities, the assessed value of the land and structures thereon at the time of its becoming a nonconforming lot, structure or use and the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent

(b) Promptly upon its completion, the aforementioned record shall be published in the county as a class 1 notice under chapter 985 of the Wisconsin Statutes. Such record as corrected shall be filed without change with the Register of Deeds 60 days after the last publication and shall be prima facie evidence of the extent and number of non-conforming uses existing on the effective date of the ordinance in the town. Corrections prior to the filing of the record by the Register of Deeds may be made on the filing of sworn proof in writing, satisfactory to the Department of Planning and Development.

(c) The Department of Planning and Development shall make an annual listing of non-conforming uses, discontinued or created, since the previous listing and for all other non-conforming uses. Discontinued and newly created non-conforming uses shall be recorded as provided for in subsection (b) with the Register of Deeds immediately after the annual listing.

12.28-4 BURDEN OF PROOF
Any property owner asserting as a defense to a charge of violating this ordinance that his property was a valid non-conforming use has the burden of demonstrating to a reasonable certainty by the greater weight of credible evidence that:

(a) The non-conforming use was legally in existence at the time the ordinance was passed or amended, and

(b) That the use of the property prior to the ordinance was so active and actual that it can be said the property owner acquired a vested interest in its continuance. For purposes of this ordinance, a property owner shall be deemed to have a vested right in the use of his property where that use at the time of the effective date of this ordinance or amendment thereto is both active and actual (noncontemplated) and a substantial degree of activity or expense had been undertaken prior to the effective date of this ordinance or amendment thereto. Permits issued prior to the existence of this ordinance shall be deemed to have created a vested right in the property owner to the extent provided in section 12.02-5 of this ordinance.

(c) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto.

12.28-5 EXISTING NON-CONFORMING LOTS (8/6/02)
In any residential, upland conservancy or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any nonconforming lot provided that all requirements of the County Sanitary Ordinance are met:

(a) Non-conforming lots shall have the following minimum width, area and setbacks:

Lot	Width	Minimum	40 feet (public sewerage). 50 feet (private sewage system).
	Area	Minimum	4,000 square feet (public sewerage) 6,000 square feet (private sewage system).
	Setbacks	Street	The minimum required in the district except as provided in section 12.27-3 of this ordinance.
		Rear	Minimum 25 feet from lot line.
		Side	Minimum 16 percent of the lot width on each side, but not less than 5 feet from lot line.

(b) Non-conforming corner lots shall have the minimum setback requirements:

Lot Width	40 feet through 49 feet	
	Setbacks	Primary street yard -- minimum as required in the district
		Secondary street yard -- 26% of the lot width
		Side Yard -- 12.5% of the lot width
		Rear Yard -- 25 feet
Lot Width	50 feet through 59 feet	

	Setbacks	Primary street yard -- minimum as required in the district Secondary street yard -- 32% of the lot width Side Yard -- 16% of the lot width Rear Yard -- 25 feet
Lot Width	60 feet through 65 feet	
	Setbacks	Primary street yard -- minimum as required in the district Secondary street yard -- 38% of the lot width Side Yard -- 10 feet Rear Yard -- 25 feet

(c) Driveways shall be a minimum of 20 feet in length starting from the right of way line and shall access a town road rather than a county or state trunk highway.

(d) Nonconforming lots or parcels in the shoreland that were legally created and met minimum area and minimum average width requirements when created or after having been enlarged, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

1 The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

2 The substandard lot or parcel is developed to comply with all other ordinance requirements.

12.28-6 COMMON OWNERSHIP OF ABUTTING NON-CONFORMING LOTS
Non-conforming lots of record owned by the same individual or individuals shall be combined prior to the issuance of a zoning permit.

12.28-7 EXISTING NON-CONFORMING STRUCTURES (8/6/02) (For Floodplain Non-Conforming Structures see 12.28-10)
The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established lot area and width, building setback line along streets and highways, or the yard, height, parking, loading, or access provisions of this Ordinance.

Non-conforming structures which encroach upon the yard requirements of this ordinance, but which met yard requirements of the applicable zoning ordinance at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty (50) percent of the minimum setback requirement of all yard setback requirements and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing non-conforming structure shall be allowed as long as no further encroachment is permitted. Non-conforming structures which are located less than fifty (50) percent of the minimum setback requirement from one or more of their yard setback requirements may be structurally enlarged or expanded so long as all four sides of the enlargement or expansion are located at least 50% of the minimum setback requirement. This shall not

constitute an allowance to make an existing conforming yard setback non-conforming, make an existing non-conforming yard setback more non-conforming or deviate from a height standard in this ordinance.

When a non-conforming structure is damaged by fire, explosion, violent wind, or other calamity or is intentionally dismantled, to the extent of more than fifty (50) percent of its assessed value as defined in section 12.28-2(a) of this Ordinance, it shall not be restored except so as to comply with all provisions of this Ordinance provided under ss.59. 69(10m).

A non-conforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the district in which it is located.

12.28-8 EXISTING NON-CONFORMING USES (6/12/12) (For Floodplain Non-Conforming Uses see 12.28-10)

The non-conforming use of a structure, land, or water existing on the effective date of adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

The alteration or structural repair of, or addition to any existing structure being used for a non-conforming use, in excess of fifty (50) percent of the assessed value as defined in section 12.28-2(a) of this Ordinance, is prohibited.

The non-conforming use of a structure may be changed to a use of the same or more restricted classification, but where the non-conforming use of a structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of a less restricted classification.

When a structure being used for a non-conforming use is damaged by fire, explosion, flood, or other calamity, to the extent of more than fifty (50) percent of its assessed value, as defined in section 12.28-2(a) of this Ordinance, it shall not be restored except so as to comply with the use provisions of this Ordinance. If a non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.

Parcels containing a non-conforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such non-conforming use as it existed prior to the date of this Ordinance is not extended, enlarged, or moved.

12.28-9 CHANGES AND SUBSTITUTIONS

Once a non-conforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a non-conforming use or structure. Once the Board of Adjustment has permitted the substitution of a more or equally restrictive non-conforming use for an existing non-conforming use pursuant to the provisions of section 12.36-5(a)4, the existing use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board.

12.28-10 FLOODPLAIN NON-CONFORMING USES (6/12/12)

(a) Floodplain Non-Conforming Uses in the FPO Floodplain Overlay District~~, or FWO Camp Lake/Center Lake Floodway Overlay District~~

1 No additions of any type shall be allowed.

2 Floodproofing which elevates the first floor of a non-conforming structure may be allowed by permit; the entire structure shall be floodproofed by means other than the use of fill, in compliance with the standards set forth in Section 12.12-4(l) of this Ordinance, to the flood protection elevation, which is 2 feet above 100-year recurrence interval flood.

3 Except as provided in subd. (d) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged by flood, it cannot be replaced, reconstructed or rebuilt.

4 Maintenance repairs include internal and external painting, decorating, and the replacement of doors, windows, siding, roofing shingles and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

5 Change in roof pitch may be allowed by permit if the total cost of the work does not equal or exceed 50% of the structure's equalized assessed value, at the time the structure became nonconforming, over the life of the structure.

~~(b) (b) Floodplain Non-Conforming Uses in the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District~~

~~1 1 Structural repairs or additions to non-conforming structures may be allowed by permit provided that the structural repair or addition does not equal or exceed 50 percent of the structure's 1994 equalized assessed value, which is the year the structure became nonconforming. The addition must be placed on fill in compliance with the standards set forth in Section 12.26-1.7(d) of this Ordinance.~~

~~2 2 If the cumulative cost of structural repairs and/or additions, over the life of the structure, equals or exceeds 50 percent of the structure's 1994 equalized assessed value, which is the year the structure became nonconforming, the entire structure shall be placed on fill in compliance with the standards set forth in Section 12.26-1.7(d) of this Ordinance.~~

~~3 3 If the cost of maintenance equals or exceeds 50 percent of the structure's 1994 equalized assessed value, which is the year the structure became nonconforming, the entire structure shall be placed on fill in compliance with the standards set forth in Section 12.26-1.7(d) of this Ordinance.~~

~~4 4 If on a per event basis the total cost of work being done in (2) and (3) above equals or exceeds 50 percent of the structure's 1994 equalized assessed value, which is the year the structure became nonconforming, the entire structure shall be placed on fill in compliance with the standards set forth in Section 12.26-1.7(d) of this Ordinance.~~

~~(c)~~(b) If a non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.

~~(d)~~(c) As provided under ss.87.30(1d) nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster. "Nonflood disaster" means a fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood. 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.

1 Residential Structures (Mobile Home/Manufactured Home)

a 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 12.12-4(l).

b 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.

c 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.

d In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

2 Nonresidential Structures

a Shall meet the requirements of 12.28-10(d)(1) above

b 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 12.12-4(l).

~~(e)~~(d) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1 The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two 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 12 inches above the adjacent grade;

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

3 Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4 The use must be limited to parking, building access or limited storage.

~~(f)~~(e) No new onsite sewage disposal system, or addition to an existing onsite 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 the Floodplain or Floodway Overlay Districts. Any replacement, repair or maintenance of an existing onsite sewage disposal system in a Floodplain or Floodway Overlay District shall meet the applicable requirements of 12.12-4(l)1 and ch. SPS 383, Wis. Adm. Code.

All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system in the Floodplain Fringe Overlay District shall meet all the applicable provisions of 12.12-4(l)1 and ch. SPS 383, Wis. Adm. Code.

~~(g)~~(f) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway Overlay District. Any replacement, repair or maintenance of an existing well in the Floodplain or Floodway Overlay District shall meet the applicable requirements of 12.12-4(l)1 and chs. NR 811 and NR 812, Wis. Adm. Code.

All new wells, or addition to, replacement, repair or maintenance of a well in the Floodplain Fringe Overlay District shall meet the applicable provisions of 12.12-4(l)1 and ch. NR 811 and NR 812, Wis. Adm. Code.

12.28-11 SHORELAND NON-CONFORMING STRUCTURES AND USES

(a) An existing non-conforming structure in the shoreland that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state or federal requirements.

(b) An existing non-conforming principal structure in the shoreland that was lawfully placed when constructed but that does not comply with the required building setback may be expanded laterally, provided that all of the following requirements are met:

1 The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

2 The existing principal structure is at least 35 feet from the ordinary high-water mark.

3 Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

4 The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 12.18-10 (Mitigation).

5 All other provisions of the shoreland ordinance shall be met.

(c) An existing non-conforming principal structure in the shoreland that was lawfully placed when constructed but that does not comply with the required building setback may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 12.18-2.

(d) An existing non-conforming principal structure in the shoreland that was lawfully placed when constructed but that does not comply with the required building setback may be relocated on the property provided all of the following requirements are met:

1 The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.

2 The existing principal structure is at least 35 feet from the ordinary high-water mark.

3 No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

4 The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement.

5 The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 12.18-10 (Mitigation), and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

6 All other provisions of the shoreland ordinance shall be met.

(e) Maintenance, Repair, Replacement or Vertical Expansion of Structures that were Authorized by a Variance. (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be

located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

12.28-12 NON-CONFORMING PERFORMANCE STANDARDS

The use of any lot or parcel failing to comply with the performance standards set forth in this ordinance at the time of the adoption of this ordinance shall not be expanded unless such expansion conforms with the performance standards set forth in section 12.12 of this ordinance.

C. CONDITIONAL USES

12.29-1 PURPOSE
A conditional use, as used in this ordinance, is designed to be a flexibility device designed to cope with situations where a particular use, although not inherently inconsistent with the use classification of a particular district, could create special problems and hazards if allowed to develop and locate as a matter of right in a particular district and therefore is in need of special consideration. Often the effects of these uses on the surrounding environment cannot be foreseen until a specific site has been proposed. The nature, character or circumstances of these uses are so unique or so dependent upon specific contemporary conditions that predetermination of permissibility by right or the detailing in the ordinance of all of the specific standards, regulations or conditions necessary or appropriate to such permissibility is not practical, it being recognized that the county is faced with practical difficulties in defining with precision in advance the conditions under which a conditional use permit will be granted. Those conditional uses hereinafter designated as such are deemed to have one or more of the following characteristics when located within certain districts:

(a) Hazardous, dangerous or harmful to adjoining or nearby parcels, waters or the environment

(b) Noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, water or the environment

(c) Inconsistent with or otherwise adverse to adjoining or nearby land or water uses in the absence of certain conditions

12.29-2 INTENT
It is the intent of the Kenosha County Board of Supervisors to allow the hereinafter designated conditional uses within the areas designated by this ordinance in accordance with section 12.29-5(g) of this ordinance and only when the conditions imposed thereon are met. Any conditions so imposed as a basis for granting the conditional use permit shall be binding on all grantees, assignees, heirs, legatees, donees, transferees and trustees of the petitioner.

12.29-3 PERMITS
The Kenosha County Planning, Development & Extension Education Committee may authorize the Department of Planning and Development to issue a conditional use permit for conditional uses as specified in each of the aforementioned districts set forth in sections 12.20 to 12.26 after review and a public hearing, as provided herein, provided that such conditional uses and structures are in accord with the provisions of this ordinance, its purpose and intent. (11/5/84)

12.29-4 APPLICATION (8/6/02)

(a) Prior to application, the petitioner shall set up a pre-application conference with Planning and Development staff. This conference is intended to inform the petitioner of the purpose and objectives of these regulations. In so doing, the petitioner and the planning staff may reach mutual conclusions regarding the possible effect of the project on abutting properties and the petitioner will gain a better understanding of subsequent required procedures.

(b) Applications for conditional use permits shall be made in triplicate to the Department of Planning and Development on forms furnished by the Department of Planning and Development and shall include the following:

1 Name, address and phone number of the applicant, owner of the site, architect, professional engineer, contractor, and authorized agent.

2 Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, and the zoning district within which the subject site is located.

3 Plat of survey and/or a site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Department of Planning and Development showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout or map shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, and existing and proposed landscaping. Such plans as, for example, a plan of operation, may be required as well as impact statements. (11/5/86)

4 For shoreland and floodland conditional uses, such description shall also include information that is necessary for the County Planning, Development & Extension Education Committee to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing existing and proposed elevations or con-tours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets water supply and sanitary facilities; aerial photographs, and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types and any other pertinent information required by either the Planning, Development & Extension Education Committee or the Department of Planning and Development. (11/5/84)

5 Additional information relative to the elimination or alleviation or control of the danger, hazard or nuisance sought to be averted as may be required by the Planning, Development & Extension Education Committee or the Department of Planning and Development, such as, without limitation due to enumeration, ground surface elevations, basement and first floor elevations, utility elevations, detailed landscape plans, plans of operation, hours, parking plans and waste disposal plans as defined in this ordinance, historic and probable future flood water elevations, areas subject to inundation by flood waters, depths of inundation, floodproofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows. (11/5/84)

6 A list of property owners and parties of interest and their addresses certified by the Kenosha County Assessor's Office as required by section 12.05(1)(e) of this ordinance.

7 An agreement to abide by the terms of this ordinance and any permit issued pursuant to it.

8 The fee as required by section 12.05-8 of this Ordinance.

12.29-5 REVIEW AND APPROVAL

(a) After receipt of a petition for a conditional use permit, the Department of Planning and Development shall place the matter on the agenda for a public hearing before the Kenosha County Planning, Development & Extension Education Committee provided, however, that the requirements of 12.06-4 of this ordinance are complied with. (11/5/84)

(b) Notice of the aforementioned public hearing shall be published as a class 2 notice in a newspaper of general circulation within Kenosha County pursuant to Chapter 985 of the Wisconsin Statutes and the Wisconsin Open Meeting Law, section 19.81 to 19.98 of the Wisconsin Statutes. In addition, notice of said public hearing shall be mailed to the last known address of all property owners certified by the Kenosha County Assessor as being owners of property within 300 feet of the subject property or parties of interest as defined in this ordinance. Failure to receive notice shall not invalidate any action taken by the committee. After publication and notice, the petitioner may request the Planning, Development & Extension Education Committee for a one-month postponement of the public hearing for good cause and no further publication or notice shall be required, provided, however, that notice of the adjourned hearing date is given in the record at the time of the published hearing. In the event the subject property lies within the shoreland jurisdiction of this ordinance, notice of the public hearing, at least 10 days before the hearing, and a copy of the application shall be mailed to the Southeast District office of the Department of Natural Resources in accordance with section NR115.05(6)(h) of the Wisconsin Administrative Code. In the event the subject property lies within a floodland district, notice of the public hearing and a copy of the application shall be mailed to the Southeast District Office of the Department of Natural Resources in accordance with section NR116.20(2)(c) of the Wisconsin Administrative Code. In the event the subject property is zoned A-1, notice shall be given as required by Wisconsin Statute, section 91.48(2) to the State Department of Agriculture, Trade and Consumer Protection. (3/1/94)

(c) Upon receiving a petition for a conditional use permit, the Department of Planning and Development shall forward a copy of the petition to the town board and/or town planning commission of the town wherein the parcel is located and of any other town that may be immediately adjacent or opposite of such parcel and shall allow such board or planning commission 45 days to comment on said application. Within said period of 45 days, the town board and/or planning commission shall forward their recommendation to the county Planning, Development & Extension Education Committee along with standards or conditions which are found by them to be necessary for the issuance of a conditional use permit. Said standards or conditions shall be considered by the Planning, Development & Extension Education Committee. In the event that the town board or town planning commission recommends denial of the conditional use permit, said denial shall be considered by the Planning, Development & Extension Education Committee in rendering its decision. (11/5/84)

(d) In hearing a petition requesting the issuance of a conditional use permit, the Planning, Development & Extension Education Committee shall call the petition at the public hearing. Upon the call of the petition, the petition shall be read by the Chairman of the Committee, and

at the conclusion thereof, the chairman shall hear and receive any evidence or sworn testimony presented by the petitioner or his authorized agent. At the conclusion of the petitioner's presentation, the Chairman shall first ask for any public comments from those in support of the petition and secondly from those in opposition to the petition. Any relevant and material evidence or sworn testimony presented by individuals either in favor of or in opposition to the petition shall be received by the Chairman provided however that said evidence or sworn testimony is properly identifiable for the record. Lastly, the Chairman shall ask for a recommendation from the Department of Planning and Development. (11/5/84)

(e) Upon receiving the recommendation of the Department of Planning and Development, the Committee may table the petition for a period of up to three months from the date of public hearing so as to allow the petitioner an opportunity to provide any further information deemed pertinent by the Committee or so as to allow the committee members an opportunity to view the site in accordance with the guidelines set forth in section 12.36-11 or consider the conditions for issuing a conditional use permit or to view similar uses already in existence in accordance with the guidelines set forth in section 12.36-11 if a comparison is warranted. All deliberations and decisions of the committee relating to the issuance of a conditional use permit shall, however, be made at a meeting held in conformance with the Wisconsin Open Meeting Law.

(f) Upon having received all evidence and hearing all sworn testimony relating to the petition, the Planning, Development & Extension Education Committee shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and any other pertinent requirements deemed necessary by the committee so as to eliminate, alleviate, or control any hazard, danger, harm, nuisance, adversity or inconsistency that exists or could develop. Upon completion of said review, the committee chairman shall entertain a motion that the committee either grant or deny the petition based upon specific findings and conclusions. (11/5/84)

(g) In making its determination, the committee shall make the following findings:

1 Identification of the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be averted.

2 The effect of the proposed conditional use on drainage, traffic circulation, and the provision of public services.

3 Existing and proposed methods of eliminating, alleviating or controlling the identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency.

4 That regardless of any other provisions of this ordinance to the contrary allowing for a conditional use permit for a particular use on a particular parcel, that the proposed and applied for use on a particular parcel is not inherently inconsistent with either the district in which it is located or adjoining districts or neighbor-hoods.

(h) Unless specifically altered by section 12.29-8 of this ordinance, compliance with all of the minimum provisions of this ordinance, dealing with such matters as, without limitation due to enumeration, lot area and width, building height and area, yards, sanitary systems, signs,

parking, loading, traffic and highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in section 12.36 of this ordinance.

(i) The decision of the committee shall be final unless a motion to review the decision of the committee is made and seconded at the County Board Meeting immediately following the decision of the Committee. All evidence or sworn testimony presented at said public hearing shall be preserved by the Kenosha County Department of Planning and Development. Notice of conditional uses granted in the A-1 Agricultural Preservation District shall be given to the State Department of Agriculture within 10 days following the decision. Notice of conditional uses granted in a floodland district or in any other area where the shoreland jurisdiction is applicable shall be given to the Southeast District office of the State Department of Natural Resources within 10 days following the decision. (3/1/94)

(j) Any decision of the Kenosha County Planning, Development & Extension Education Committee or the Kenosha County Board of Supervisors related to the granting or denial of a conditional use permit may be appealed as provided for in section 12.35 of this ordinance. (11/5/84)

(k) Any conditional use permit granted by the committee shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within 5 days after the issuance of the permit. Any recording fees shall be paid by the applicant. In addition, the Department of Planning and Development shall keep a record and/or map of all such conditional uses and permits which shall be open to the public.

12.29-6 EXISTING USES

(a) All uses existing at the effective date of this ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this ordinance, are hereby declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, repair or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.

(b) Campgrounds; contractor yards; salvage, wrecking, junk, demolition, and scrap yards; towing services; mineral extraction and related uses; and sanitary landfill uses shall within 180 days after the effective date of this ordinance register with the Department of Planning and Development and submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps or site plan showing the existing layout, and such other data as may be necessary to enable the Department of Planning and Development to create a permanent file establishing the size, layout and operational characteristics of the existing operation. A permit shall be granted to such existing operations for the extent of the existing operation only. The Department of Planning and Development may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit accordingly. Notwithstanding the fact that the aforementioned use may not be permitted within a given district, any addition, extension, or change in the operation of the aforementioned uses may be permitted, provided that such addition, extension or change shall be subject to the conditional use procedures set forth in this ordinance.

(c) Any other use not mentioned above which was a conforming conditional use before adoption or amendment of this ordinance, but is not a permitted conditional use in the district in which it is now located, shall be considered a legal non-conforming use and shall be subject to the requirements of section 12.28-1 through 12.28-11 of this ordinance.

12.29-7 REVOCATION OF CONDITIONAL USE PERMIT

Upon a complaint filed alleging non-compliance with the terms of the conditional use permit by any interested party with the Department of Planning and Development, or upon the motion of the Department of Planning and Development, the Planning, Development & Extension Education Committee shall schedule an open hearing within 45 days of the filing of the complaint and shall conduct a hearing pursuant to the general outline set forth in section 12.29-5. Upon a finding that the standards, regulations and conditions set forth in granting the conditional use permit have been violated, the Planning, Development & Extension Education Committee may suspend the conditional use permit until such time as there is compliance with the standards, regulations and conditions imposed in the past. In the alternative, the Committee may revoke the conditional use permit. Any continued operation of the conditional use after a suspension or revocation shall be deemed a violation of this ordinance and subject to the fines set forth in section 12.33 of this ordinance. The action of the Committee may be appealed pursuant to section 12.35 of this ordinance. Any failure to revoke a conditional use permit for past violations shall not operate as a waiver of the right to suppress future violations. (11/5/84)

12.29-8 STANDARDS FOR CONDITIONAL USES

(a) In addition to the specific conditions required herein, additional reasonable conditions or requirements which bear a direct relationship to the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be eliminated, alleviated or controlled such as without limitation due to enumeration: environmental, economic or social impact statements, storm drainage plans, landscaping, architectural design, type of construction, floodproofing, ground cover, anchoring of structures, construction commencement and completion dates in accordance with section 12.05-3 of this ordinance, sureties, letters of credit, performance bonds, waivers, lighting, fencing, location, size and number of signs, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, plat of survey maps, certified survey maps, easement or street dedications, increased building areas, in-creased water supply, essential services and utilities, sanitary and sewage requirements, installation of pollution abatement, security, and/or safety systems, higher performance standards, stages for development of the conditional use, future review of the conditional use operation, conditions surrounding termination of the conditional use permit and the period of time for which the conditional use will be permitted may be required by the Planning, Development & Extension Education Committee if upon its finding these are necessary to fulfill the purpose and intent of this ordinance and so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency sought to be averted. Where studies or impact statements are required, the committee can address problems called to its attention by the imposition of certain conditions aimed at eliminating, alleviating or controlling the problems. (11/5/84)

(b) The following uses are deemed by the Kenosha County Board of Supervisors to be hazardous, dangerous, harmful, noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, waters or the environment or inconsistent with or otherwise adverse to adjoining or

nearby land or water uses and therefore should be required to meet certain additional regulations, standards, and conditions hereinafter set forth and/or standards and conditions imposed by the Planning, Development & Extension Education Committee in accordance with section 12.29-5(g) so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency prior to being permitted in the particular district wherein said use is listed as a conditional use: (11/5/84)

1 Abrasives and asbestos in the M-2 District.

a There shall be adequate containment and disposal of waste and by-products used in the manufacturing of abrasives and asbestos.

b There shall be sufficient safeguards to insure against pollution and contamination of surrounding areas so as to insure against damage to the surrounding environment and to further insure against health hazards.

c The Department of Planning and Development shall be permitted access to the property and buildings located thereon at any time upon request to determine compliance with the specific conditions set forth by the Planning, Development & Extension Education Committee. (11/5/84)

2 Reserved for future use (3/16/04)

3 Airstrips, landing fields and hangars for personal or agricultural related uses in the A-1, A-2 and A-4 Districts and airports, heliport pads, aircraft hangars for storage and equipment maintenance and aircraft sales and maintenance in the I-1 District.

a The area shall be sufficient and the site otherwise adequate to meet the standards of the federal aviation agency and the Wisconsin Department of Transportation and any other Federal or State agency retaining jurisdiction over such airstrips and landing fields in accordance with their proposed rules and regulations. In no case shall the parcel be less than 35 acres in size.

b Any building, hangar or other structure shall be at least one hundred (100) feet from any street or boundary line.

c Any proposed runway or landing strips 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.

d 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.

e Airstrips and landing fields in the A-1, A-2, and A-4 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.

f Storage of any combustible fuels shall be in accord with any state and federal regulations and due consideration shall be given so as to insure safe storage of such fuels.

g 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, firefighting extinguishers, radio communications equipment, and tie-down spaces.

h No more than two planes shall be housed on the premises except for the case of airports in the I-1 District.

i No conditional use permit shall be given unless all necessary federal and state permits have been placed on file with the Department of Planning and Development.

4 Airport Overlay Conditional Uses.

a Those conditional uses permitted in the Airport Overlay District pursuant to section 12.26-5(f) shall comply with those requirements set forth for the granting of a conditional use permit for said use in the underlying district. In the event that the conditional use listed in section 12.26-5(f) is not permitted as a conditional use in the underlying district, such conditions may be set as will provide for the health, safety and welfare of the general public.

5 Amusement parks, carnivals, circuses, fairgrounds and exposition grounds in the PR-1 District.

a The site shall contain at least 20 acres and shall have direct access to federal, state or county highways.

b All yards shall be at least 50 feet each.

c Adequate vacant area must be available on the site to provide lighted parking space sufficient to handle all anticipated crowds with proper ingress and egress to public roads. A traffic-flow plan shall be required.

d Accessory uses consistent with the operation of the grounds shall be permitted to the extent that they do not constitute a general retail sales outlet.

e In the event that the anticipated attendance is in excess of 5,000 individuals or in the event that overnight camping of 100 or more individuals is anticipated and permitted, there shall be compliance with the standards and requirements set forth in the Kenosha County Activity Control Ordinance.

f In the event that the circus, farm or show animals are to be brought onto the site, adequate provision shall be made for their proper confinement and for the proper disposal of animal waste.

g Proper sanitary facilities must be provided to handle all anticipated crowds.

h Time limits, performance bonds and sureties may be required as a condition for the issuance of such permit. In addition, any requirements reasonably related to the general safety and welfare of those in attendance at such activities may also be required.

i Increased performance standards relating to noise and hours of operation may be required.

j A site plan shall be provided showing the location of all buildings, parking areas, housing of animals and amusement rides, etc.

6 Animal hospitals, shelters and kennels and veterinary services in the B-2 and B-5 Districts. (8/5/94)

a All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.

b Adequate provisions shall be made for the proper disposal of animal waste.

c Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.

7 Animal reduction in the M-2 District.

a The site shall contain at least five (5) acres and have an average lot width of at least three hundred (300) feet.

b The site shall have direct access to a Federal, State or County Trunk Highway.

c Buildings, structures and storage areas shall be located in conformance with the yard requirements of the zone in which they are located, except that no buildings, structures or storage areas shall be located within one hundred (100) feet of any district boundary line. However, any setback from a railroad right-of-way need not exceed five (5) feet.

d A bond or other form of surety may be required so as to insure compliance with performance standards set forth in this ordinance.

e An application for a conditional use permit for an animal reduction plant shall be accompanied by a report setting forth the proposed operation of the plant and also indicating the method of collection, handling, disposal and storage of all waste and by-products and in addition thereto, a report may be required from an appropriate health

authority indicating the appropriateness of the site selection and the proposed plant operation as it may affect the public health.

f Prior to the commencement of the operation, copies of any licenses or permits from all appropriate county, state and/or federal agencies shall be submitted to the Kenosha County Department of Planning and Development.

g Periodic evaluations may be required so as to determine compliance with the provisions of this ordinance and the permit granted pursuant to it.

8 Archery and firearm ranges (outdoors) in the PR-1 District.

a All shooting shall be in the direction of targets and all targets shall be at least 500 feet from any property line.

b Berms shall be five feet in height above the highest point of the target and shall be a minimum of ten feet in depth so as to absorb stray shot.

c In granting a conditional use permit for archery and firearm ranges, the Planning, Development & Extension Education Committee shall further evaluate the potential hazards to adjacent uses, the topography and ground cover, and noise to be generated by such activity and establish reasonable and necessary standards for eliminating or minimizing the potential hazards and noise. (11/5/84)

d Firing shall not be permitted directly toward or over any navigable waters, public or private roads or drives, nor toward any buildings or structures or toward any population concentration within 2000 feet of the range site.

e There shall be a defined firing line and firing direction, adequate target back stops in addition to the berms aforementioned and a defined target area.

f Ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals not less than 25 yards around the perimeter. Furthermore, ranges shall be securely fenced off from adjacent lands and waters.

g Provisions for first aid may be required.

9 Arenas and stadiums in the B-3 District.

a At least one off-street parking space shall be provided for every three seats located within the arena or stadium.

b The site shall have direct access to federal, state or county highways.

c An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the arena or stadium.

10 Arenas, stadiums, coliseums, auditoriums and gymnasiums in the PR-1 District.

a Those requirements set forth for the granting of a conditional use permit for arenas and stadiums in the B-3 District shall be met for arenas, stadiums coliseums, auditoriums and gymnasiums located in the PR-1 District.

11 Assemblies over 5,000 in the A-2 and PR-1 Districts.

a Standards set forth in the Kenosha County Activity Control Ordinance, shall be met.

12 Auto-truck body and engine repair and painting in the M-1 and M-2 Districts.

a All outside storage of vehicles shall be properly screened, fenced and secured. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.

b The premises shall not be used for storage of wrecked and/or dismantled vehicles.

13 Automotive Body Repair in the B-3 District.

a Those requirements set forth for the granting of a conditional use permit for auto-truck body and engine repair and painting in the M-1 and M-2 Districts shall be met.

14 Automotive Sales, Service and Repairs in the B-2, B-3, and B-5 Districts. (8/9/94)

a All servicing and repair work shall be within an enclosed structure. Repair materials, new, used or junk parts shall not be stored outside unless the storage area has a solid fence enclosure. Junk materials shall be removed at least once a month to avoid unsightliness of the site. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.

b No cars shall be parked within the vision triangle and all parking lots shall meet all yard requirements.

c Lights shall not be beamed directly onto adjoining property.

15 Beaches and Public Swimming Pools in the PR-1 District.

a Standards such as those required in section 12.17 of this ordinance may be required.

b Provision for lifeguards shall be required.

16 Bed and breakfast establishments in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, and C-2 districts. (8/9/94)

a A site plan and plan or operation shall be submitted to the Planning, Development & Extension Education Committee. The site plan shall include a parking plan.

b All requirements set forth in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code shall be fully complied with. Necessary state permits and licenses shall have been secured.

c All requirements of the Kenosha County Sanitary Code shall be fully complied with. Existing onsite soil absorption sewage disposal systems shall be evaluated prior to the issuance of a conditional use permit.

d The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.

e No more than four bedrooms shall be rented.

f Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.

g Individual rentals shall not exceed five (5) consecutive days in length.

h No retail sales shall occur in a bed and breakfast establishment.

i One exterior advertising sign, not exceeding four (4) square feet in area, may be erected on the premises.

17 Borrow pits (temporary); stockpiling or filling of clean fill materials in the A-1, A-2 and A-4 Districts (8/6/02)

a A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed area to be filled or excavated, the location and dimensions of proposed stockpiles, circulation routes and parking, and any other specific operations areas.

b A detailed stormwater management and erosion control plan prepared according to best management practices by a Wisconsin registered civil engineer.

c A restoration plan showing topography at two-foot intervals, drainage patterns, and proposed end use(s).

d An irrevocable letter of credit, cash, bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition shall be required.

e Stockpiling or filling in wetlands and floodplain areas is prohibited.

f Fill material shall consist of clean fill only, not to include concrete, asphalt or construction debris.

18 Bridges and Approaches in the FPO Floodplain Overlay District~~ and the FWO Camp Lake/Center Lake Floodway Overlay District~~. (3/1/94)

a Conditional use permits for bridges and approaches shall not be granted unless the applicant shall show that such use or improvement shall not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage by 0.00 foot or more unless easements or other appropriate legal measures, as may be approved by the Wisconsin Administrative Code, have been taken and approved, and will not retard the movement of flood waters. When permitted such structures shall be floodproofed and shall be constructed so as not to catch or collect debris nor be damaged by flood waters. Certification of the structure shall be made to the Department of Planning and Development and shall consist of a plan or document certified by a registered professional engineer that the structure is consistent with the flood velocities, forces, depths and other factors associated with the 100 year recurrence interval flood. (2/6/90)

b The conditional use permit shall not be granted unless there is assurance of compliance with the provisions of the floodplain zoning ordinance, the purpose and objective of floodplain management, as enumerated in section NR116.01 of the Wisconsin Administrative Code, and local comprehensive plans in other land use controls.

19 Bus depots in the B-2 District.

a Sufficient space for off-street parking shall be required.

20 Bus terminals in the I-1 District and bus terminals and related equipment storage and maintenance buildings in the M-2 District.

a All maintenance and repair work shall be done within an enclosed structure.

b Storage of fuels and other combustible materials and products shall be adequately safeguarded and located in such a fashion as to minimize hazards inherent in the storage of such materials.

21 Campgrounds (Rental) in the PR-1 District.

a Each campsite shall be plainly marked.

b The maximum number of campsites shall be twelve per gross acre.

c The minimum size of a recreational vehicle rental park or campground shall be five (5) acres.

d The minimum dimensions of a campsite shall be 30 feet wide by 50 feet long.

e Each campsite shall be separated from other campsites by a yard not less than 15 feet wide.

f There shall be two (2) automobile parking spaces for a campsite.

g No campsite shall be located closer than 75 feet from a public highway or road right-of-way, nor closer than 40 feet from any other property boundary. All camping units shall be located no closer than 20 feet to any internal private service road. All service roads shall be free of parked vehicles.

h All campgrounds shall conform to the requirements of section HSS 178, Wisconsin Administrative Code, which shall apply until amended and then shall apply as amended.

i Each campground shall be completely enclosed, except for permitted entrances and exits by either:

1) A Temporary planting of fast growing material, capable of reaching a height of ten feet or more, and

2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within 10 years, they will have formed a dense screen, such permanent planting shall be grown or maintained to a height of not less than ten feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.

j Each trailer camp, campground, or camping resort shall have a service building similar to that required by section HSS 177 of the Wisconsin Administrative Code.

k Any recreational vehicle rental park or campground may have one commercial facility per development, such as a small convenience store, restaurant or snack bar, etc., located within the complex when designed for use by the occupants only. Under no circumstances may this facility be located on a public road and used for general street trade and no advertising of the facility shall cater to the general public.

l No trailer or camping unit shall be located on one site for a period of more than six weeks or an extension thereof not to exceed 15 days. No trailer shall be stored in a trailer park, camping ground or camping resort and in no event shall any structures on the camp site or camping trailers be used as permanent living quarters.

m Periodic inspections by appropriate health authorities may be required as a condition for the granting of a conditional use permit for the campground.

n No campground shall be located in any floodplain zoning district.

22 Car washes in the B-2 and B-3 Districts.

a Car washes shall be located on a public sanitary sewer and on federal, state or county highways.

b A traffic flow pattern shall be submitted to the committee.

23 Caretaker quarters in the M-3 District.

24 Cemeteries in the I-1 District.

a The site proposed for a cemetery shall not interfere with the development of a system of collector and arterial streets in the vicinity. In addition, the site shall have direct access to a public roadway.

b Any new cemetery shall be located on a site containing at least twenty (20) acres.

c All burial buildings and crematoriums shall meet the yard requirements of the District. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.

d All graves or burial lots shall be set back at least thirty (30) feet from any street bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each.

e Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by an existing conditional use permit must comply with the requirements of this section.

f Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.

g Nothing in these provisions, however, shall prohibit the issuance of a conditional use permit for a pet cemetery.

25 Chemicals in the M-2 District.

a A detailed site, operation, fire protection, security, waste disposal, storage, pollution control, storm drainage, and traffic flow plan shall be presented to the committee.

b Performance bonds shall be required to insure compliance with the terms of the conditional use permit.

c The committee shall be advised of the potential of any health hazards that may accompany the manufacture or production of chemicals.

26 Coal and bone distillation in the M-2 District.

a Performance bonds shall be required to insure compliance with the performance standards set forth in this ordinance.

27 Commercial egg production in the A-3 District. For all new and expanding commercial egg production facilities, the following requirements shall be complied with:

a The site shall contain a minimum of 50 acres.

b There shall be submitted a detailed site plan showing all building locations and distances and the capacity of each building.

c There shall be submitted to the Planning, Development & Extension Education Committee for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures. (11/5/84)

d There shall be submitted detail of all types of equipment used in handling process of manure.

e There shall be provided a plan for odor control, such as ozinators, etc.

f There shall be provided a detailed day-to-day management plan for total operation.

g There shall be provided a vermin, rat, and insect control plan for all facilities on the premise.

h All buildings housing chickens shall be located at least 500 feet from any property boundary line.

i There shall be provided a detailed storm water drainage plan between all buildings and feedlots.

j There shall be provided a sealed vermin-proof container for all dead chickens and further, the owner and operator shall present the Planning, Development & Extension Education Committee with proof that the operator has contracted with a licensed renderer to haul all dead chickens off premise on a weekly basis. Further, the owner shall be required to show that hauling is being performed at last once a week. (11/5/84)

28 Commercial feedlot in the A-3 District. For all new and expanding commercial feedlot facilities, the following requirements shall be complied with:

a The site shall contain a minimum of 50 acres.

b The applicant shall submit a detailed site plan showing all distances between building locations and feedlot areas and the capacity of each building and feedlot.

c The applicant shall submit to the Planning, Development & Extension Education Committee for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures. (11/5/84)

d The applicant shall detail all types of equipment used in the handling process of manure.

e The applicant shall provide a plan for odor control, such as ozinators, etc., if located inside a building.

f The applicant shall provide a detailed day-to-day management plan for total operation.

g The applicant shall provide a vermin, rat, and insect control plan for all facilities on the premise.

h All buildings and feedlots shall be located at least 500 feet from any property boundary line.

i The applicant shall provide a detailed storm water drainage plan between all buildings and feedlot areas.

j The applicant shall present the Planning, Development & Extension Education Committee with proof that the operator has contracted with a licensed renderer to haul all carcasses off the premise on a weekly basis. Further, the owner shall be required to show that hauling is being performed at least once a week. (11/5/84)

k The applicant shall provide an adequate water supply system for all animals on the premises.

29 Commercial Recreational Facilities in the B-2 District.

a Applicants for a conditional use permit for a commercial recreational facility (outdoor) must submit detailed development plans with time tables and necessary bonding to insure performance.

30 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 Districts.

a A report and license from the Department of Health and Social Services relating to the suitability of the premises for use as a community living arrangement shall accompany the application for a conditional use permit. The loss of any license shall operate as an automatic revocation of the conditional use permit. Permits shall not be transferable to another location or holder without approval of the committee.

b The applicant for a conditional use permit for a community living arrangement shall state on his application the purpose for the community living arrangement, the type of individuals that will reside on the premises and the plan for supervising and administering to the needs of the residents.

c There shall be continuous 24 hour a day supervision for the residents in the community living arrangement facility.

d There shall be one off-street parking facility for every four residents in the facility.

e The owner and supervisors for the facility shall appear before the Planning, Development & Extension Education Committee in person. (11/5/84)

f Noises and disturbances such as loud music which may be heard on adjoining property shall be prohibited after 10:00 p.m.

g Unless greater restrictions are set by the State of Wisconsin, there shall be not more than three residents per 120 square feet of bedroom living area.

h The premises shall be located on a sanitary sewer.

i The premises shall be located on a minimum of one acre of land.

j Where a city, town or village has passed an ordinance pursuant to Wisconsin Statute section 59.69(15)(a) and (b), the location and number of such community living arrangement shall be in conformance with such ordinance.

31 Community living arrangements for 9 or more persons and which are in conformance with all state statutory requirements in the R-9, R-10, and R-11 Districts.

a Those requirements set forth for the granting of the conditional use permit for a community living arrangement having nine but not more than 15 persons and in conformance with all state statutory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 Districts shall be complied with.

32 Concrete and Asphalt Batch Plants in the M-1, M-2 and M-3 Districts.

a Federal and state air quality standards shall be complied with.

b Conditions may be set with respect to hours of operation and ingress and egress to the premises.

c The premises shall be properly secured.

33 Concrete and Asphalt Batch Plants temporarily located on a parcel in the A-1, A-2, A-3, and A-4 Districts. (8/6/02)

a Federal and state air quality standards shall be complied with.

b Special consideration shall be given to the hours of operation and traffic patterns including ingress and egress.

34 Contractor storage yards in the M-2 District.

a The property shall be fenced with a six-foot-high solid fence and shall also have a permanent evergreen shrub and tree plantings along said fence. In addition, a landscape plan shall be submitted to the Planning, Development & Extension Education Committee for approval. (11/5/84)

35 Conversion of a resort into a residential condominium in the PR-1 District, provided that: (8/15/89)

a All structures shall comply with local building codes. (8/15/89)

b The condominium declaration shall be submitted with the conditional use permit application and shall be made part of the permanent review file. (8/15/89)

c The applicant shall submit a condominium plat showing how the property will be divided and identifying areas of common ownership. All relevant plat restrictions shall be shown on the face of the plat. Upon approval of the condominium plat, the plat shall be recorded with the Kenosha County Register of Deeds and a copy of the plat shall be made part of the permanent review file for the conditional use. (8/15/89)

d The Kenosha County Planning, Development & Extension Education Committee shall specify the permitted dwelling sizes, dwelling height, setback, side yards, rear yard, and shore yard of the resort/condominium conversion and shall make such determinations a part of the permanent file. (8/15/89)

e Additions and modifications to the converted condominium shall conform to the lot area, building bulk, and yard requirements of the R-10 District and shall be considered a new conditional use. (8/15/89)

36 Construction services including building contractors; carpentering, wood flooring; concrete services; masonry, stonework, tile setting, and plastering services; roofing and sheet metal services; and septic tank and water well drilling services in the B-5 District. (8/9/94)

a All outside storage and work areas that are within 300 feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six feet; screen plantings may be required around the perimeter of the use where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses. (8/9/94)

b A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous material. (8/9/94)

c Lighting shall be required for the storage and work areas provided, however, that the glare from said lighting does not shine on adjoining properties. (8/9/94)

37 Repealed 8/20/91

38 Drive-in theaters in the B-3 District.

a The site shall contain at least ten (10) acres.

b The site shall have a direct access to federal, state or county highways.

c All structures, viewing areas and seating areas shall be set back at least one hundred (100) feet from any street or boundary line.

d All parking areas and access ways shall be adequately lighted provided, however, that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets.

e The following accessory uses may be permitted as incidental to, and limited to patrons of the principal use:

1) An amusement park, kiddyland
2) Refreshment stands or booths
3) Souvenir stands or booths

f Special attention shall be paid to traffic patterns and methods of ingress and egress along with internal road-ways.

g For any drive-in theater, the viewing area shall be screened in such a manner that it cannot be observed from any public right-of-way. In addition thereto, off-street space for automobiles of patrons awaiting admission to the theater shall be equal to thirty (30) per cent of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.

39 Dye in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

40 Earth movements in Shoreland areas. (See section 12.18-3 of this ordinance.)

41 Electric and steam generating plants in the M-2 District.

a The plan of operation and impact statement shall be submitted to the Planning, Development & Extension Education Committee for review. (11/5/84)

b All necessary state and federal permits shall be filed with the Planning, Development & Extension Education Committee. (11/5/84)

c The plan for the transportation, storage and disposal of fuels and waste shall be presented to the Planning, Development & Extension Education Committee for review, consideration and approval. (11/5/84)

d All security measures for the proposed electric and steam generating plants shall be reviewed by the Planning, Development & Extension Education Committee so as to insure proper and complete security measures. (11/5/84)

e All federal and state pollution guidelines and the performance standards set forth in this ordinance shall be complied with.

f In the event that said generating plants make use of nuclear fuels, the generating plant shall be located not closer than ten miles to the boundaries of any city or village; furthermore, no conditional use permit for the construction of a nuclear generating plant shall be issued without the presentation of an evacuation plan for county residents.

42 Event Barns in the A-1 and A-2 Districts. For the conversion of existing farm buildings constructed prior to 1965 on a farm for organized meetings and/or reception space as a gathering place for weddings, parties, and corporate events.

a Town Board approval shall be required prior to the issuance of a conditional use permit for an Event Barn. The Town Board shall have the authority to develop additional minimum standards.

b The minimum parcel size shall be ten (10) acres.

c A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Outdoor special event/commercial business activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping, to maintain the rural and agricultural character of the site.

d Buffer plantings shall be provided along a property line where there is an abutting residence and which are intended to screen views, lights and noise from the operation. A buffer planting plan shall be submitted with the application and approved by the Planning & Development and Education Extension Committee.

e Parcels shall have frontage along a paved public road for direct access.

f Access by private easement must be formalized and be recorded or available for recording. Modification of existing easements resulting from the proposed use must be approved in writing by all easement parties.

g All ingress/egress and parking areas shall be located in such a manner to minimize traffic hazards associated with entering and exiting the public roadway.

h The increase in traffic generated by the proposed use shall not create a nuisance to nearby residents by way of traffic or noise.

i Parking may be either gravel or paved. Handicapped parking spaces shall be paved and meet all State standards. Sufficient parking spaces to accommodate the proposed use shall be provided. Overflow parking on grass or hay areas is permissible. Parking on public ways is not permitted.

j Parking areas of any type shall not be located in the required buffer area and must meet the parking requirements of Section 12.13-3 (j) and (k).

k Signage shall comply with Section III H.

l Any newly proposed or changed outdoor lighting shall consist of full cut-off luminaries and shall not exceed an illumination level of 0.5 foot-candles as measured at the property line. Lighting fixtures shall be shielded or directed in such a manner so as to prevent light from shining directly onto abutting rights-of-way and adjacent properties (cut-off type luminaries only). No protruding lenses are allowed and lenses must be constructed so as to be parallel to the constructed yard grade. All security lighting shall be shielded and aimed so that illumination is directed only to the designated areas. General flood lighting fixtures shall be discouraged.

m No on or off-premise signs, banners, or billboards shall be constructed, erected, or displayed without first obtaining proper permits from the State, County or local unit of government in which they are being located.

n Structures shall be inspected by the Town Fire and Building Inspector prior to the Town meetings and shall meet all Town Fire and Building Code standards prior to occupancy.

o Parcels not served by public sanitary sewer shall be served by Private Onsite Wastewater Treatment Systems (POWTS) which meet all requirements of Chapter 15 of the Kenosha County Sanitary Code and Private Sewage System Ordinance, and SPS 382 - 385 of the Wisconsin Administrative Code and their corresponding design manuals regarding POWTS.

p It is the responsibility of the applicant to comply with all State and local regulations regarding public health. This includes proper and adequate toilet and hand washing facilities, showering facilities, proper food preparation and serving conditions, adequate tested potable water, proper disposal of refuse and food by-products on a timely basis. The Kenosha County Division of Health requires permits and inspections to assure the event is conducted within laws of proper sanitation and health. The applicant shall obtain all necessary health-related permits and assure that all necessary tests and inspections are conducted.

q Food vendors shall be licensed by the Health Department.

r Amplified music and dancing are permitted only within the barn structure. County noise ordinance shall be complied with. Outside amplified music is not permitted.

s The sale and consumption of alcohol beverages on the premises are subject to Town licensing requirements and County cabaret licensing.

~~42~~43 Flea markets, where two or more wholesalers or retailers pay a consideration to the property owner for use of the site, in the B-1, B-2, B-3, B-4, M-1 and M-2 Districts.

~~43~~44 Fertilizer production, sales, storage, mixing and blending in the A-3 and M-2 Districts.

a The site shall contain at least five acres.

b A plan of operation shall be submitted along with a site plan.

c Storage of fertilizer shall be at least 150 feet from any property boundary line.

d There shall be compliance with all federal and state pollution guidelines.

e No storage shall be closer than 300 feet to any navigable stream.

f All parcels shall be at least 100 feet away from any residential structure.

g A performance bond insuring compliance with all pollution laws shall be required.

h The facilities shall be properly and securely locked or fenced.

~~44~~45 Filling as authorized by the Wisconsin Department of Natural Resources and United States Army Corp. of Engineers to permit the establishment of approved bulkhead lines in the FPO Floodplain Overlay District~~ and the FWO Camp Lake/Center Lake Floodway Overlay District~~. (3/1/94)

a Those requirements set forth for the granting of a conditional use permit for bridges and approaches shall be complied with.

~~45~~46 Forges in the M-2 District.

a A site plan and plan of operation shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b Performance bonds shall be required guaranteeing compliance with all federal and state pollution control guidelines.

c Open storage of materials shall be enclosed within a solid fence.

~~46~~47 Foundries in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.

~~47~~48 Freight terminals, yards and freight forwarding services and related equipment storage and maintenance facilities in the M-2 District. (8/9/94)~~Freight forwarding services, packing and crating services, and petroleum stations and terminals in the B-5 District. (8/9/94)~~

a A detailed site plan shall be submitted with the application for a conditional use permit.

b A parking plan shall be submitted for any semi-tractor/trailer storage specifying the number and type of vehicles to be temporarily stored, and the average duration of such storage.

c No loading or unloading of trailers shall be permitted unless expressly permitted by the conditional use permit.

d No outside storage of any product; or of packing and crating materials shall be permitted except as expressly permitted by the conditional use permit, and any permitted outside storage shall be screened if located closer than 500 feet to any residential, institutional or park district.

e The plan for the storage of any fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Planning, Development & Extension Education Committee for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.

f All federal and state guidelines shall be complied with.

g All federal, state and local permits shall be filed with the Planning, Development & Extension Education Committee.

h Storage of petroleum and other fuels shall not be permitted closer than 500 feet to any residential, institutional or park district.

~~48~~49 Freight terminals, yards and freight forwarding services and related equipment storage and maintenance facilities in the M-2 District. (8/9/94)~~Freight terminals in the M-1 and M-2 Districts.~~

a The site shall contain a minimum of at least five acres.

b All vehicle repairs shall be indoors.

c A site plan and plan of operation shall be presented to the Planning, Development & Extension Education Committee along with a plan for the storage of fuels and combustible materials. (11/5/84)

d Storage of junk parts shall not be permitted on the site.

e Salvaging operations shall not be permitted on the site.

f All transfer of products shall be done at a loading dock facility.

g Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete or asphalt and shall be adequately lit.

h A storm water drainage plan prepared by certified engineers shall be submitted to the Planning, Development & Extension Education Committee for approval. (11/5/84)

i The site shall be fenced and secured.

j Outdoor lighting shall not be permitted to shine on neighboring property.

k Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

~~49 Freight terminals, yards and freight forwarding services and related equipment storage and maintenance facilities in the M-2 District. (8/9/94)~~

~~a Those requirements set forth for the granting of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.~~

50 Fuel in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for chemicals in the M-2 District shall be complied with.

51 Fuel oil, bottled gas, and ice dealers in the B-5 District. (8/9/94)

a A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.

b The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Planning, Development & Extension Education Committee for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.

c All federal and state guidelines shall be complied with.

d All federal, state and local permits shall be filed with the Planning, Development & Extension Education Committee.

e Storage of fuel oil and bottled gas shall not be permitted closer than 500 feet to any residential, institutional or park district.

52 Garbage Incinerators in the M-4 District. (8/20/91)

a A site plan and plan of operation together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment shall be submitted to the Planning, Development & Extension Education Committee. No hazardous wastes shall be disposed of in a garbage incinerator.

1) The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than $25,000 shall be provided to guarantee payment for the review.

b All federal and/or state licenses shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

c A performance bond guaranteeing compliance with all federal and state pollution guidelines and the performance standards set forth in this ordinance shall be required.

d There shall be no outside storage of refuse unless it is contained within vermin-proof containers.

e Scrap yard operations shall not be permitted on the premises.

f A security plan shall be presented to the Planning, Development & Extension Education Committee for approval. (11/5/84)

g Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

53 Gas and electric utility uses not requiring authorization under Wisconsin Statutes section 196.491 in the A-1 and A-4 Districts.

a All such uses shall be properly fenced and secured for protection against vandalism.

54 Gasohol and fuel related alcohol plants in the A-3 and M-2 Districts.

a Those requirements set forth for the granting of a conditional use permit for the manufacture and production of chemicals in the M-2 District shall be complied with.

55 Gasoline service stations in the B-1, B-2, B-3, B-4 and B-5 Districts. (8/9/94)

a A detailed site plan shall be submitted showing all structures and their distances including canopies, pump islands, light poles, tower signs, storage tank locations, etc.

b All canopy posts shall be at least 30 feet from any property line. No canopy shall exceed 20 feet in height.

c Canopies shall not be permitted to overhang past the property line.

d All pumps shall be set back at least 30 feet from any property line.

e Gasoline service stations for semi-trailers shall have their ingress and egress located in such a fashion as to give due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

56 Golf courses in the PR-1 District.

a A detailed site plan and plan of operation shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

b Adequate sanitary facilities shall be provided.

c A storm drainage plan prepared by certified engineers shall be presented to the Planning, Development & Extension Education Committee for approval. (11/5/84)

d Fairways shall be located in such a fashion as to avoid golf balls being driven outside of the property boundary lines.

e Those courses to be located in primary environmental corridors shall not be granted a conditional use permit unless a conservation plan has been presented to the Planning, Development & Extension Education Committee for review and approval. (11/5/84)

f The following accessory uses may be permitted:

1) Country club
2) Restaurant
3) Pro shop facility
4) Tennis courts
5) Ice skating rinks
6) Swimming pools

g The site shall contain a minimum of at least 80 acres.

h Those golf courses located in floodplain areas shall not be permitted to have structures located thereon.

57 Golf driving ranges in the PR-1 District

a The site shall contain at least ten (10) acres and shall be of such a configuration as to permit a minimum driving distance of three hundred (300) yards from each proposed tee, exclusive of the required buffered area.

b A site plan shall be submitted showing the layout of the property with all fairways, roughs, greens, structures, parking, fencing and indigenous materials.

c The golf driving range shall maintain a seventy-five (75) foot front yard and a one hundred fifty (150) foot side yard setback. The site shall be buffered by indigenous materials and fencing to minimize the impact upon adjoining properties.

d Toilet facilities for use by patrons shall be provided. Such facilities shall be approved by appropriate health authorities.

e A minimum of one off-street parking space shall be provided for each driving tee proposed on the site. If other accessory uses are provided, such as a miniature golf course or batting cage, a minimum of one additional parking space shall be provided for each hole of the miniature golf course or for each station in each batting cage, etc.

f All parking areas shall be kept in a dust-free condition, such as by oiling or by spraying with calcium chloride.

g Accessory use permits shall be limited to a refreshment stand, a maintenance shed, a miniature golf course, batting cage and a pro shop. In consideration of golf driving ranges, additional conditions necessary to minimize the impact upon adjacent land uses may be imposed.

h Night lighting shall be provided for all parking areas and no night lighting shall be permitted to shine on adjoining property.

i The hours of operation may be limited by the Planning, Development & Extension Education Committee. (11/5/84)

j The driving range shall be situated in such a fashion that the safety of adjoining residences and nearby traffic is safeguarded against stray balls.

58 Hazardous waste warehousing and transfer stations in the M-4 Sanitary Landfill and Hazardous Waste Disposal District. (8/20/91)

a A plan of operation shall be submitted to the Planning, Development & Extension Education Committee together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha County Office of Emergency Government. The method of storage and/or transfer of materials shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Planning, Development & Extension Education Committee shall also be informed as to the potential hazards of the materials to be stored or transported.

1) The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than $25,000 shall be provided to guarantee payment for the review.

b A detailed site plan shall be presented to the Planning, Development & Extension Education Committee which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.

c A fire prevention and fire protection plan shall be presented to the Planning, Development & Extension Education Committee for review and consideration.

d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what materials will be disposed of, where and by what means they will be disposed, and the potential hazards of material disposal.

e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Planning, Development & Extension Education Committee for review and consideration.

f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha County Office of Emergency Services.

g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.

h No hazardous waste storage or transfer facility shall be located closer than 2,500 feet from a residential district or use, 2,500 feet from a navigable body of water, or within a floodplain. No hazardous waste storage or transfer facility shall be located closer than 5,000 feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.

i A performance bond shall be required by the Planning, Development & Extension Education Committee so as to insure compliance with the conditions imposed by the Planning, Development & Extension Education Committee. Such bond shall also cover County monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.

j The County shall be permitted access to the plant at all times for purposes of inspection of operations and records.

k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two years by the Planning, Development & Extension Education Committee after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.

l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facia evidence of a violation of the conditional use permit and grounds for revocation of the permit.

m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha County Board of Supervisors.

~~59 Household Stables in the R-1 District and the A-1 and A-2 Districts where the parcel is greater than five (5) acres but less than ten (10) acres. (8/6/02)~~

~~a Town board approval shall be required prior to the issuance of a conditional use permit for a household stable. The stable shall be in compliance with township standards.~~

~~b No household stable shall be located closer than 100 feet from any off-premise neighboring residential buildings. Manure piles shall be disbursed or removed in accordance with accepted sanitary practice.~~

~~c The applicant must show a need for a household stable to be used for animal shelter and related equipment and feed storage, etc.~~

~~d No household stable accessory building shall exceed 2,000 square feet in area. This building is in addition to the permitted accessory buildings per Section 12.27-6(b).~~

~~60~~59 Housing for farm laborers or caretakers in the A-1, A-2 and A-4 Districts. (8/6/02)

a A site plan shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

b Not more than one dwelling for farm laborers or caretakers shall be permitted per farm.

c The conditional use shall be permitted only so long as the occupants of said dwelling are primarily engaged in farm labor on the farm or management of the farm on which the dwelling is located.

~~61~~60 Housing for seasonal or migratory farm workers in the A-1 and A-4 Districts.

a Those requirements set forth for the granting of the conditional use permit for housing for farm laborers in the A-1 and A-4 Districts shall be complied with.

~~62~~61 Housing for the elderly in the R-11 District.

a A site plan shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

b Not more than 20 units per acre shall be permitted.

c Adequate lighting on walkways, driveways, and parking areas shall be required.

~~63~~62 Insulating materials in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

~~64~~63 Kennels (commercial or non-commercial) in the A-1 and A-2 Districts. (8/6/02)

a All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.

b Adequate provisions shall be made for the proper disposal of animal waste.

c Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.

d In no case shall the parcel be less than ten (10) acres in size.

~~65~~64 Laboratories in the B-5 and M-2 Districts. (8/9/94)

a The site shall contain a minimum of two acres.

b A plan of operation shall be submitted to the Planning, Development & Extension Education Committee along with a plan for the storage and disposal of chemicals and other hazardous materials. The Planning, Development & Extension Education Committee shall also be informed as to the potential hazards and general areas of experimentation. Furthermore, in the event that those general areas of experimentation are later changed, the Planning, Development & Extension Education Committee shall be so informed. (11/5/84)

c A fire prevention and protection plan, along with a security plan for the premises shall be presented to the Planning, Development & Extension Education Committee for review and consideration. (11/5/84)

d A performance bond may be required by the Planning, Development & Extension Education Committee so as to insure compliance with the conditions imposed by the Planning, Development & Extension Education Committee. (11/5/84)

~~66~~65 Lacquer, paint, stain, varnish and allied products in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

~~67~~66 Livestock sales facilities in the A-3 and M-2 Districts.

a The site shall contain a minimum of five acres.

b A detailed site plan shall be submitted to the Planning, Development & Extension Education Committee showing all buildings and distances between said buildings. (11/5/84)

c A traffic plan showing ingress and egress for trucks using said facility shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

d A plan of operation including hours of operation shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

e A plan shall be submitted to the Planning, Development & Extension Education Committee setting forth proper removal and disposal of all animal waste. (11/5/84)

f This facility shall be for the primary purpose of the sale of livestock and livestock shall not be kept in this facility for more than 48 hours after delivery.

g All buildings housing livestock shall be 500 feet from any property boundary line.

h A detailed storm water drainage plan between all buildings and livestock areas shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

~~68~~67 Living quarters for watchmen and caretakers in the M-2 District.

a A site plan shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b Not more than one such living quarters shall be permitted per parcel.

c Said living quarters shall not exceed 1,000 square feet.

d Said conditional use permit terminates at such time as the aforementioned quarters are no longer used as living quarters for watchmen or caretakers.

~~69~~68 Locker plants in the B-5 District. (8/9/94)

a A detailed site plan and plan of operation shall be presented to the Planning, Development & Extension Education Committee.

b No meat packing or processing shall be permitted.

~~70~~69 Lubricating oils and greases in the M-2 District

a The requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

~~71~~70 Malt production in the A-3, M-1 and M-2 Districts.

a A site plan and plan of operation shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b Increased performance standards relating to odors may be required by the Planning, Development & Extension Education Committee. (11/5/84)

~~72~~71 Manufacturing of cement or concrete products in the M-3 District.

a The site shall not be closer than 300 feet to any navigable water.

b The following plans shall be submitted to the Planning, Development & Extension Education Committee: site plan, traffic flow plan, security plan, plan of operation, and environmental protection plan. (11/5/84)

c Increased performance standards may be required by the Planning, Development & Extension Education Committee along with a performance bond to insure compliance with the conditions set forth by the Planning, Development & Extension Education Committee for the issuance of a conditional use permit. (11/5/84)

~~73~~72 Manufacturing of lime, gypsum or plaster of paris in the M-3 District.

a Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.

~~74~~73 Manufacturing, processing and storage of building materials, explosives, dry ice, fat, flammables, glue, grains, grease, lard, plastic, radioactive materials, shellac, soap, tires, turpentine, vine-gar, and yeast in the M-2 District

a Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.

b A report shall be filed with the Planning, Development & Extension Education Committee indicating the type of materials to be manufactured, processed or stored on the site and the potential hazards and dangers incurred in the manufacturing, processing and storage of said materials. (11/5/84)

~~75~~74 Manufacture of substances where EPA certified priority pollutants such as Naphthalene, Phenols, and Polychlorinated Biphenyls (PCB's) may be a by-product of such operation in the M-4 Sanitary Landfill and Hazardous Waste Disposal District. (8/20/91)

a A plan of operation shall be submitted to the Planning, Development & Extension Education Committee together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha County Office of Emergency Government. Any storage of products manufactured shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Planning, Development & Extension Education Committee shall also be informed as to the potential hazards of the materials to be stored or transported.

1) The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than $25,000 shall be provided to guarantee payment for the review.

b A detailed site plan shall be presented to the Planning, Development & Extension Education Committee which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.

c A fire prevention and fire protection plan shall be presented to the Planning, Development & Extension Education Committee for review and consideration.

d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what manufacturing wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of manufacturing waste disposal.

e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Planning, Development & Extension Education Committee for review and consideration.

f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha County Office of Emergency Services.

g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.

h No carcinogen manufacturing operation shall be located closer than 2,500 feet from a residential district or use, 2,500 feet from a navigable body of water, or within a floodplain. No carcinogen manufacturing operation shall be located closer than 5,000 feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.

i A performance bond shall be required by the Planning, Development & Extension Education Committee so as to insure compliance with the conditions imposed by the Planning, Development & Extension Education Committee. Such bond shall also cover County monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.

j The County shall be permitted access to the plant at all times for purposes of inspection of operations and records.

k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two years by the Planning, Development & Extension Education Committee after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.

l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facia evidence of a violation of the conditional use permit and grounds for revocation of the permit.

m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha County Board of Supervisors.

~~76~~75 Marinas in the FPO Floodplain Overlay District~~ and the FWO Camp Lake/Center Lake Floodway Overlay District~~. (3/1/94)

a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO ~~and FWO~~ District~~s~~ shall be complied with.

b A detailed site plan, plan of operation and environmental protection plan shall be presented to the Planning, Development & Extension Education Committee.

c Increased performance standards may be required by the Planning, Development & Extension Education Committee along with performance bonds to insure compliance with the conditions set forth by the Planning, Development & Extension Education Committee.

~~77~~76 Marinas and marine sales and service in the PR-1 District.

a A detailed site plan and plan of operation shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b A plan for the storage of fuels and other combustible matter shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

~~78~~77 Marine sales and service in the B-3 District.

a Those requirements set forth for the granting of a conditional use permit for marinas and marine sales and service in the PR-1 District shall be complied with.

~~79~~78 Meat packing, slaughterhouse and production of sausages and other meat products in the A-3 and M-2 Districts.

a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

b No permit shall be issued unless all operations are conducted within an enclosed building.

~~80~~79 Medical waste incinerators and medical waste processing facilities in the M-4 Sanitary Landfill and Hazardous Waste Disposal District. (8/20/91)

a A plan of operation shall be submitted to the Planning, Development & Extension Education Committee together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha County Office of Emergency Government. Any storage of medical wastes or other hazardous wastes shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Planning, Development & Extension Education Committee shall also be informed as to the potential hazards of the materials to be stored or transported.

1) The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than $25,000 shall be provided to guarantee payment for the review.

b A detailed site plan shall be presented to the Planning, Development & Extension Education Committee which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.

c A fire prevention and fire protection plan shall be presented to the Planning, Development & Extension Education Committee for review and consideration.

d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what medical and hazardous wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of said waste disposal.

e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Planning, Development & Extension Education Committee for review and consideration.

f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha County Office of Emergency Services.

g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.

h No medical waste incinerator or medical waste reduction facility shall be located closer than 2,500 feet from a residential district or use, 2,500 feet from a navigable body of water, or within a floodplain. No medical waste incinerator or medical waste reduction facility shall be located closer than 5,000 feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.

i A performance bond shall be required by the Planning, Development & Extension Education Committee so as to insure compliance with the conditions imposed by the Planning, Development & Extension Education Committee. Such bond shall also cover County monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.

j The County shall be permitted access to the plant at all times for purposes of inspection of operations and records.

k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two years by the Planning, Development & Extension Education Committee after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.

l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facia evidence of a violation of the conditional use permit and grounds for revocation of the permit.

m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha County Board of Supervisors.

~~81~~80 Millwork, lumberyards, sawmills and planing mills in the B-5, M-1, and M-2 Districts. (8/9/94)

a A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Planning, Development & Extension Education Committee.

~~82~~81 Mini-bike trails in the PR-1 District.

a A detailed site plan and plan of operation shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b A safety plan shall be presented to the Planning, Development & Extension Education Committee indicating speed limits and the posting thereof along with other warning and cautionary signs. (11/5/84)

~~83~~82 Mini-warehouses in the B-3 and B-5 Districts. (8/6/02)

a A detailed site plan, traffic plan, security plan, fire protection plan, landscape plan, and plan of operation shall be presented to the Planning, Development & Extension Education Committee.

b All lighting shall be shielded and directed as to not shine on to abutting properties or the highway right-of-way.

c All buildings shall be completely constructed of decorative brick, block, and/or masonry.

d The property shall be fenced with a six-foot-high security fence.

e All parking areas, service drives, and access drives shall be paved.

~~84~~83 Mobile Home/Manufactured Home Parks in the R-12 District (9/5/06)

a The requirements set forth in all applicable provisions of the Wisconsin Administrative Code and amendments thereto shall be complied with.

b The minimum park size shall be ten (10) acres.

c Minimum park width shall be Four Hundred Fifty (450) feet

d The maximum number of mobile home/manufactured home sites shall be 8 per gross acre and shall be supplied by community water facilities.

e The minimum open space provided shall be twenty percent of the development area, exclusive of streets.

f The minimum lot area for a single module mobile home/manufactured home shall be 5,000 square feet. The mobile home/manufactured home lot shall be a minimum of 50 feet in width.

g The minimum lot area for a double module mobile home/manufactured home shall be 6,000 square feet. The mobile home/manufactured home lot shall be a minimum of 60 feet in width.

h The minimum setback for a mobile home/manufactured home park shall be 65 feet from the right-of-way line of a state trunk or county trunk highway and 45 feet from all other roads.

i The minimum distance between mobile home/manufactured home units and all other exterior park lot lines shall be 45 feet.

j The minimum distance between mobile home/manufactured home and internal service roads shall be 20 feet.

k The minimum distance between mobile home/manufactured home trailers shall be 20 feet.

l All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two (2) parking spaces for each mobile home/manufactured home. All public or private roadways shall have a minimum road right-of-way of 66 feet and shall meet all town standards for road construction.

m All mobile homes/manufactured homes shall be securely anchored to the ground so as to minimize storm damage.

n No mobile home/manufactured home sales office or other business or commercial use shall be located on the mobile home/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one (1) office are permitted as long as it is related to the general operations of the park.

o Each mobile home/manufactured home park shall be completely enclosed, except for permitted entrances and exits by:

1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and

2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

p All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association and any other requirements set forth by the Wisconsin Statutes or Wisconsin Administrative Code. All manufactured homes shall have a HUD (U.S. Department of Housing and Urban Development) label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards as set forth in the United States Code of Federal Regulations.

q No mobile home/manufactured home site shall be rented for a period of less than 30 days.

r The mobile home/manufactured home park shall meet the requirements of all local ordinances and State administrative rules regarding mobile homes/manufactured homes and mobile home/manufactured home parks and in the event of a conflict between said ordinances, statutes or rules, the more restrictive requirement shall be complied with.

s Copies of all licenses required by section 66.0435(1) to (8) of the Wisconsin Statutes shall be obtained and presented to the committee for review.

~~85~~84 Model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts.

a Models may be located in all new subdivisions for a period not to exceed three years from the date of issuance of a zoning permit.

b Models shall not be used as a real estate office other than incidental to showing the model dwelling.

c Models shall be designed in such manner as they will blend with existing neighborhood environments.

d Models shall not be opened beyond 9:00 p.m.

e One sign shall be permitted provided, however, that it is no larger than four feet by six feet and provided further that in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.

f Proper exterior maintenance of the property shall be provided such as maintaining the lawn and yard, removal of snow, etc.

g Models shall be completely landscaped and have a paved driveway within one year from the date of issuance of the zoning permit.

h No parking lots shall be created that would not normally be found in a single-family development.

i Sufficient parking shall be provided on subdivision roads and in model home driveways, but in no case shall the parking be allowed on any federal, state, county or town highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.

j In those cases where five or more homes are developed into a "parade of homes", the developer shall provide sufficient temporary off-street parking for the duration of the exhibit. This parking need not, however, be paved or graveled.

~~86~~85 Model mobile home and related temporary real estate sales office located within the model unit in the R-12 District.

a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

~~87~~86 Model single family home and related temporary real estate sales office located within the model unit in the R-1 and R-2 Districts.

a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

~~88~~87 Model single family homes and model single family condominiums and related temporary real estate sales office located within the model unit in the R-3, R-4 and R-5 Districts.

a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

~~89~~88 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit in the R-7 and R-8 Districts.

a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

~~90~~89 Motor freight in the M-2 District

a Those requirements set forth for the issuance of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.

~~91~~90 Multiple family dwellings in the R-9, R-10, and R-11 Districts. (2/18/92)

a In the R-9 District, dwellings containing between four and eight units per structure shall not be located closer than three hundred feet to any parcel of land zoned for a single-family residence.

b Additionally, all applicants for developments of multiple-family dwellings in the R-9, R-10, or R-11 Districts shall submit an application substantially complying with Section 12.26-4(h) of this Ordinance, which shall be reviewed pursuant to conditional use procedures and according to the additional standards contained in Section 12.26-4(k)1.a. to d.

~~92~~91 Municipal Water Supply and Sanitary Sewerage Systems in the FPO District ~~and the FWO Camp Lake/Center Lake Floodway Overlay District~~. (3/1/94)

a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO ~~and FWO~~ District~~s~~ shall be complied with.

b The system must be floodproofed to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, and be designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Office of Planning and Zoning 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 100-year recurrence interval flood level for the particular stream reach.

~~93~~92 Navigational structures in the FPO Floodplain Overlay District ~~and the FWO Camp Lake/Center Lake Floodway Overlay District~~. (3/1/94)

a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO ~~and FWO~~ District~~s~~ shall be complied with.

~~94~~93 Nonresidential Buildings may be constructed and maintained in the C-1 and C-3 District, provided that: (11/5/86)

a The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;

b The building cannot, as a practical matter, be located outside the wetland;

c Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and

d Only limited filling or excavating necessary to provide structural support for the building is authorized.

~~95~~94 Offal in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

~~96~~95 Outside storage and manufacturing in the M-2 District.

a All outside storage and manufacturing areas a minimum of 300 feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six feet; screen plantings may be required around the perimeter of the district where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.

b A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous material.

c Lighting shall be required for the storage and manufacturing areas provided, however, that the glare from said lighting does not shine on adjoining properties.

~~97~~96 Packing and crating services in the M-1 and M-2 Districts.

a All transfer of products shall be done at a loading dock facility.

b Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete and asphalt and shall be adequately lit.

c A storm water drainage plan prepared by certified engineers shall be submitted to the Planning, Development & Extension Education Committee for approval. (11/5/84)

d The site shall be fenced and secured.

e Outdoor lighting shall not be permitted to shine on neighboring property.

f Ingress and egress to the premises and the location of loading docks and storage of pallets shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

~~98~~97 Park and recreational areas not including structures in the FPO District.

a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.

~~99~~98 Park and Recreation Areas (public or private), natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads in C-1 and C-3 Districts, provided that: (11/5/86)

a Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;

b Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 12.29-8(b)(109a) of this Ordinance, and;

c Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

~~100~~99 Penal, reform, disciplinary and mental institutions in the I-1 District.

a A statement of intent shall be filed with the Planning, Development & Extension Education Committee indicating the type of facility that is being proposed, the type of individuals to be housed in the facility along with a listing of their needs and the problems they have encountered, whether the facility is to be a maximum security facility or a minimum security facility or other such designation, the maximum number of inmates or patient that will be residing at the facility, and the number of personnel to be employed by the facility and the type of employment that each will be engaged in. (11/5/84)

b A site plan shall be presented in detail and include therein all internal road systems and the location of all buildings and security devices.

c A plan of operation shall be submitted setting forth the security system to be employed on the site, the number of personnel employed on each shift, fire and police protection that will be relied upon in the event of an emergency, alternate security systems and back-up systems, especially where electronic security devices are used, the type of supervision to be employed in the facility including the job descriptions and requirements for all employees, and what medical facilities will be relied upon in the event of an emergency.

d All appropriate licenses to be issued by federal, state and/or local governing bodies or agencies shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

e An impact statement shall be required so as to better enable the Planning, Development & Extension Education Committee to determine the effect of such a facility on the community with such statement addressing itself to the social, economic and environmental impact on the county and addressing itself to, without limitation due to enumeration, the effect of such a facility on local and county law enforcement agencies, local and county fire protection requirements, the county court system, property values in surrounding areas, sanitation requirements, increased highway and transportation needs, employment, housing, schools, the surrounding environment, and the cost of the increase in services to county taxpayers. (11/5/84)

1) The aforementioned impact statement is to be prepared by a consultant chosen by the county board of supervisors and paid for by the applicant. Such impact statement shall list problems incurred by other facilities of a similar nature, be they in or outside of the state of Wisconsin.

2) Any problems, hazards, nuisances, danger, harm, noxiousness or offensiveness brought out by such impact statement may be addressed by the Planning, Development & Extension Education Committee and may form the basis for additional conditions being imposed upon the applicant. (11/5/84)

f Mindful of the dangers and hazards imposed by both fire and nuclear radiation and the proximity of Kenosha County to the Zion nuclear plant, an evacuation plan setting forth in detail the method and manner for mass evacuation in the event of an emergency shall be required. In lieu thereof, a shelter facility shall be provided on the facility to adequately service the needs of employees and residents in the event of emergency.

g The site shall contain a minimum of 300 acres.

h Structures shall be at least 1500 feet from any boundary line and all structures shall be at least 2500 feet from any residential, commercial, manufacturing or other institutional district.

i Structures shall contain living areas of not less than 90 square feet per occupant.

j A solid reinforced concrete wall, at least 24 inches wide and 25 feet in height shall completely encircle all prison and penal institutions and no building may be located closer than 75 feet to said wall.

k Three chain link fences at least 30 feet apart shall be located outside the prison wall. Within the inner fence there shall be an electronic surveillance system between the fence and the prison wall and between all chain link fences there shall be spread out on the ground three-foot diameter coils of barbed steel tape for maximum security institutions.

l The grounds and all areas within the aforementioned chain link fences shall be adequately lit at night and an emergency electrical generation station shall be provided for in the event of an emergency.

m The facility shall be on public sewer and water.

n The street frontage shall be landscaped in such a manner as to achieve a height of ten feet or more by way of a temporary planting of fast growing material and shall also provide for a permanent evergreen planting, the individual trees to be of such number and so arranged that within ten years, they will have formed a dense screen, with such permanent planting growing or being maintained to a height of not less than ten feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.

o In the case of mental institutions, or in the case of juvenile detention facilities, minimum security, penal institutions, and reformatories, the aforementioned conditions may be modified as deemed appropriate by the Planning, Development & Extension Education Committee. (11/5/84)

~~101~~100 Pet kennels---(see Kennels)

~~102~~101 Petroleum bulk stations and terminals in the M-1 and M-2 Districts.

a A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.

b The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Planning, Development & Extension Education Committee for review, consideration and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises. (11/5/84)

c No storage shall be permitted within 300 feet of any shoreland or floodplain.

d A statement of intent shall be filed with the Planning, Development & Extension Education Committee indicating the type of fuels to be stored and the manner of storage. In the event of subsequent modification of the type of materials or manner for storing materials, the aforementioned plan shall be updated. (11/5/84)

e All federal and state pollution guidelines shall be complied with.

f All federal, state and local permits shall be filed with the Planning, Development & Extension Education Committee. (11/5/84)

g A detailed drainage plan, traffic plan and loading plan shall be presented to the Planning, Development & Extension Education Committee along with the location of any pipelines. (11/5/84)

h Storage shall not be permitted closer than 1500 feet to any residential, commercial, industrial or institutional district.

~~103~~102 Plastic materials and synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

~~104~~103 Poison in the M-4 District. (8/20/91)

a Those requirements set forth for the manufacture or production of chemicals in the M-2 District shall be complied with.

~~105~~104 Power and heat generating plants in the M-2 and I-1 Districts.

a The issuance of a conditional use permit for electrical and steam generating plants in the M-2 District shall be complied with.

b An impact statement may be required by the Planning, Development & Extension Education Committee setting forth the economic, social and environmental impact of such a project on the community. (11/5/84)

~~106~~105 Processing and packaging of animal bedding in the A-3 District. (8/20/91)

a A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Planning, Development & Extension Education Committee.

b Bedding materials may be processed from straw, hay, or other natural bedding materials; or may be processed from recycled paper or cardboard, or wood shavings.

c Recycling of other materials; or recycling to create a product other than animal bedding shall be prohibited.

d No outside storage of bedding materials or processing waste shall be permitted on the site.

~~107~~106 Processing of hardwood dimension, flooring, veneer and plywood in the M-1 and M-2 Districts.

a A detailed site plan and plan of operation shall be submitted to the Planning, Development & Extension Education Committee with said plans indicating the type of material to be stored on the premises, its location, the security to be provided on the premises including fencing and lighting. (11/5/84)

b Roads shall be paved or maintained in a dust-free condition.

c A drainage plan shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

d Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

~~108~~107 Production of animal and marine fats and oils in the A-3 and M-2 Districts.

a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

~~109~~108 Production of shortening, table oils, margarine and other edible fats and oils in the A-3 and M-2 District.

a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

~~110~~109 Public water measuring and control facilities done in accordance with the provisions of section NR116.17 of the Wisconsin Administrative Code in the FPO Floodplain Overlay District~~ and the FWO Camp Lake/Center Lake Floodway Overlay District~~. (3/1/94)

a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO ~~and FWO~~ District~~s~~ shall be complied with.

~~111~~110 Quarrying and other nonmetallic mining in the M-3 District. (8/9/94)

a An application for quarrying and other nonmetallic mining shall include:
1) The name, address, telephone number. The name, address and telephone number of the operator, and the name, address, and telephone number of the owner of the site, if the operator is not the owner.
2) A copy of the operator's deed to the site, contract to purchase the site, or lease authorizing the operator to conduct quarry or other nonmetallic mining operations on the site. The expiration date of any lease shall be clearly indicated thereon.
3) A legal description of the proposed quarry or other nonmetallic mining site and the total number of acres involved.
4) A list of all other quarry or nonmetallic mining permits or licenses held by the operator, including the name, address, and telephone number of each permitting or licensing entity.
5) A general location map of the site.

b Survey Required. Five (5) copies of a survey, drawn to a scale of no less than one inch equals 200 feet, which shall include the following:
1) The boundaries of the quarry or other nonmetallic mining site.
2) Topography of the site and all lands within 200 feet thereof, at intervals no larger than two feet.
3) Location and names of all streams, lakes, ponds, roads, railroads, utility lines, and pipelines on or immediately adjacent to the site.
4) Location of all structures.
5) Boundaries and elevations of previous excavations on the site.
6) Location and description of mining site boundary stakes and permanent reference point.

c Zoning of the site and of all properties within 500 feet of the boundaries of the site.

d Photographs (8" x 10") of the site and its surroundings, including photographs of all potentially sensitive or important aspects of the site or neighboring properties, and, if available, an aerial photograph of the site and its surroundings (usually available from the Southeastern Wisconsin Regional Planning Commission).

e An operations plan, in which all horizontal and vertical measurements are referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and

other materials describing and explaining in detail the nature of the operations, the methods and procedures to be used in mining the site and in processing and otherwise dealing with the mined materials, the methods and procedures to be used in eliminating or minimizing adverse impacts or effects of the proposed operations, and a proposed timetable for completion of the operations and of the various stages of the operations, and which shall contain, without limitation, the following:

1) Type and total volume of desirable material to be extracted, and the estimated annual volume to be extracted, identifying the assumptions on which such estimate is based; and the type and volume of waste material to be stripped or extracted.
2) Type of mining, processing, and transportation equipment to be used.
3) Timetable for the commencement, and to the extent practical, duration, and cessation of the mining operations and, if seasonal operations are intended, the months during which operations will be conducted.
4) Anticipated hours and days of operation, specifying differences between various aspects of the operations, if applicable.
5) Market area to be served by the operation.
6) Means of transporting mined materials from the site and the primary travel routes to be used.
7) Whether haul trucks will be owned by the operator or others.
8) Boring descriptions to the total depth of the proposed operation, describing each formation in terms of thickness and other relevant characteristics, sufficient borings shall be conducted to describe the type and quality of material to be extracted, to calculate the amount of desirable material to be mined and the amount of waste material to be disposed of, and to demonstrate that an adequate supply of desirable material is located at the site to justify the adverse impacts of the operation. Borings shall be referenced to a permanent reference point.
9) A detailed description and explanation of all methods used to control and monitor noise.
10) A detailed description and explanation of all methods used to control and monitor dust and mud tracking.
11) A detailed description and explanation of all methods used to control and monitor ground vibrations.
12) A detailed description and explanation of all methods used to control and monitor airblast.
13) A detailed description and explanation of how the operator proposes to screen the operations from surrounding properties, streets and highways, including, without limitation, detailed plans for any proposed berming or landscaping.
14) A detailed description and explanation of how water will be collected, treated, and disposed of on the site, and of all methods used to avoid or control water pollution or sedimentation and to monitor the results of such controls.
15) A detailed description and explanation of how overburden and other waste materials will be stored, disposed of, or used.
16) Observed or estimated depth of groundwater, together with a description of the location(s) and date(s) of any observations and the basis for any estimates.

17) A detailed description and explanation of how the operator will avoid a drawdown of groundwater that will affect nearby wells and of all methods used to monitor the effects of the operation on the groundwater table.

18) A detailed statement of the following:
   a) The beneficial aspects of the proposed operation.
   b) The potential adverse impacts of the operation on humans residing or working in the vicinity of the operation which cannot be totally eliminated by proposed control measures.
   c) The potential adverse environmental impacts of the operation which cannot be totally avoided by proposed control measures.
   d) The potential adverse economic impacts of the operation on neighboring property owners and the County which cannot be totally avoided by the proposed control measures.

19) A detailed, step-by-step description and explanation of all aspects of the operations.

20) A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed boundary of the area to be mined, the proposed location of permanent mining area markers, the final elevation of the area to be mined, and the locations and dimensions of proposed berms, haul roads, crushing, washing or other processing facilities, conveyors, stockpiles, loading areas, scales or other sales facilities, circulation routes and parking, offices, explosives storage facilities, and all other structures or specific operations areas.

21) With respect to any proposed blasting operations, a detailed description and explanation of the proposed blasting methodology, including, without limitation, drilling procedure (and how burden and depth of holes is measured), benching, the initiation system, type and sequencing of delays, the explosives used and a full description of a typical proposed production shot, including the height of the face, number of holes, size of holes, burden, spacing, and maximum pounds of explosives per delay.

22) If explosives are to be used in the operation, a detailed plan for the storage, handling and use of such explosives. Any such proposed procedures shall comply with all Federal, State and local regulations.

23) Map or diagram and narrative describing in detail the sequential stages of mining (including any shifts in the location of activities or facilities) or, if no stages are planned, a detailed description of how the operator plans to proceed with the mining operation. The map or diagram shall show the location of all phase boundary stakes.

24) A detailed plan showing and describing in detail erosion control measures to be used during and in connection with each aspect of the operation. Such plan shall describe, without limitation, how disturbed surfaces such as stripped areas, haul roads, berms, waste piles, stored topsoil and stockpiles will be dealt with to prevent erosion, sedimentation, fugitive dust and pollution of surface and groundwater, and how the operator proposes to minimize the area of erodible surfaces exposed at any one time. (In addition to any permit requirements, temporary stabilization measures may be ordered by the Planning, Development & Extension Education Committee or its designee to correct situations which are resulting in or are likely to result in erosion, sedimentation, fugitive dust or water pollution that is detrimental to adjoining

properties or to the public health, safety, and welfare. Such temporary stabilization measures may include, without limitation, silt fencing, bale check dams, sod strips, riprap, hard surfacing with concrete or blacktop, slope reduction, seeding or sodding, erosion mat placement, mulching, and settling basin construction).

25) A plan describing and explaining in detail the handling of all water on the site, including, without limitation, the following:
    a) Existing and proposed drainage on the site, showing contours at two-foot intervals.
    b) The location and dimensions of all settling, retention or detention ponds, together with calculations demonstrating that such ponds are of adequate design to eliminate downstream sedimentation, erosion, or water pollution.
    c) The estimated volume of water to be pumped out of the operations area, together with the assumptions, observations, and calculations on which such estimate is based.

26) A scale map of survey delineating all bodies of navigable water, all floodplains, all shorelands or shorelands wetlands zoning areas, all wetlands, and all primary environmental corridor areas on the site.

27) A detailed map or diagram and description of the location, type, height, and installation of proposed fencing.

28) If customers of the operator will pick up product at the site, a detailed description of how the operator will deal with haul trucks that arrive at the site before the site is open in the morning.

29) A detailed description of any highway modifications or improvements that are required or desirable to accommodate the anticipated truck traffic, including, for example, acceleration or turning lanes, traffic signals or reinforced pavement, the estimated cost of such improvements, and of any other required modifications of public infra-structure, and whether the operator proposes to pay for such modifications.

30) A detailed traffic study demonstrating that the anticipated truck traffic can be safely accommodated on the proposed routes of travel.

31) A detailed description and explanation of the methods by which the operator proposes to determine whether the operation has damaged or diminished the value of nearby properties, including, for example, periodic evaluation of structures, wells and market value, and whether the operator is willing to reimburse persons for such losses.

32) If there are active wells within 1,000 feet of the quarry site, a hydrogeological study to determine whether and to what extent the operation is likely to draw down the groundwater table to an extent that wells will or may be impaired.

33) A listing of all Federal, State, or local permits or approvals, which are required in connection with any aspect of the proposed operation.

34) A detailed description of all structures or areas of archeological or historic interest on the site, and a detailed explanation of how the operation will affect such structures or areas.

35) A detailed description of, explanation of the function of, and architectural renderings of all proposed structures.

36) Any other information or materials required to demonstrate that the proposed operation will result in no significant loss, harm or damage to neigh-boring property owners, to the County or to the public health, safety, and welfare, nor any serious risk of any such loss, harm or damage.

f A reclamation plan, in which all horizontal and vertical measurements shall be referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the proposed reclamation of the site, the methods and procedures to be used for reclamation and a timetable for completion of various stages of the reclamation, and which shall contain, without limitation, the following:

1) A detailed description of the topsoil stripping and separation process, the location of topsoil storage, and the methods of stabilization and conservation that will be used during storage.
2) A detailed reclamation site plan and description of the site when fully reclaimed, showing topography at two-foot intervals, drainage patterns, landscaping, structures, any water impoundments or lakes, and the proposed end use(s). To the extent that restoration will take place in stages, or incrementally, provide such site plan and description for each appropriate stage.
3) The estimated elevation of the water's surface in any lake or impoundment, referenced to a permanent reference point, and a detailed explanation for the basis of such estimate.
4) Detailed landscaping plans, showing the location, species, species and size of the trees, shrubs and other vegetation to be planted or seeded, and the approximate time frame or such planting or seeding.
5) Detailed cross-section diagrams, drawn to scale, showing at appropriate illustrative locations (which should be indicated on the reclamation site plan(s) the reclaimed topographic features, including, without limitation, elevations slopes, high wall reductions, benching, terracing, and other stabilization and utilitarian features.
6) Detailed topsoil application, seeding and/or sodding plan, describing the location, methods and thickness of topsoil application, seed types, seeding rates, and mulching netting and/or other techniques used to accomplish soil and slope stabilization.
7) Detailed plan for the disposal of all structures, roads, and other facilities not incorporated into the final reclamation plan.
8) Estimated cost of reclamation, by phase, with accompanying supportive estimates and calculations, and the proposed form of any security documents.
9) A detailed description of how potentially dangerous conditions will be rendered safe and useful, e.g., by reducing sheer high walls to provide for access to the water, shallow areas suitable for swimming and fish propagation, climb-out areas, etc.
   To the extent practicable, a timetable for the commencement, duration, and cessation of reclamation activities, by stage.
10) Any other information or materials required to demonstrate that the proposed reclamation will result in a safe, useful, and aesthetically pleasing site.

g Additional Information. The Planning, Development & Extension Education Committee and its designees may require the submittal of such additional information or materials as may be necessary or desirable to determine the nature and extent of the operations, the potential adverse impacts of such operations on neighboring property owners and the County in general, the appropriate methods to eliminate or mitigate potential adverse impacts and the appropriateness and effectiveness of the proposed reclamation.

h Waiver of Application Requirements. The Planning, Development & Extension Education Committee may waive any specified information required to be submitted with the application for a permit if it is satisfied that such information is not relevant or is unnecessary to a full and effective evaluation of the proposed operation and reclamation, or if the cost of producing certain information is unreasonable in comparison to the usefulness of the information in the evaluation process. The Office of Planning and Development staff may preliminarily waive any application requirements on the same grounds, but such a preliminary waiver may be reversed by the Planning, Development & Extension Education Committee. In determining whether to waive application requirements, the Planning, Development & Extension Education Committee and the Office of Planning and Development staff shall take into account, without limitation, the nature and extent of the proposed operations, the surrounding existing and anticipated land uses, and whether and to what extent the operation pre-existed the effective date of this Section. It shall be the obligation of the applicant to request in writing any such waiver. Such request shall set forth the justification for such waiver.

i Public Hearing for Nonmetallic Mining. Notwithstanding the public hearing requirements of Section 12.29-5 of this Ordinance, the Office of Planning and Development staff shall, upon receipt of a complete permit application, refer the application to the Planning, Development & Extension Education Committee for its consideration and the Committee shall schedule a public hearing on the application. The hearing shall be scheduled not earlier than sixty (60) days nor more than ninety (90) days after receipt of the application to provide time for the staff to review the application, but the Planning, Development & Extension Education Committee, for good cause shown, may order a modification of this requirement. Notice of the public hearing shall be published as Class 2 notice in a newspaper of general circulation within the County. In addition, notice of the public hearing shall be mailed to the operator, the owner of the site, and to the last known address of all owners of real property located within 300 feet of the boundaries of the site. This requirement of actual notice to persons other than the operator is precatory, and the failure to mail or receive such notice shall not invalidate any action taken by the Planning, Development & Extension Education Committee. At the hearing, the Planning, Development & Extension Education Committee shall hear and receive information or recommendations presented by the Office of Planning and Development staff and/or its consultants, information presented by the applicant or the applicant's authorized agents and consultants, and information presented by members of the public. If the Planning, Development & Extension Education Committee determines that additional time or information is required, the public hearing may be continued from time to time at the direction of the Committee. The applicant shall be given an opportunity to respond to any adverse information or recommendation.

j Decision. After the hearing, the Planning, Development & Extension Education Committee shall either grant or deny the permit application on the basis of express findings and conclusions. The Planning, Development & Extension Education Committee shall condition any permit granted upon compliance with specified operational and reclamation requirements, including the minimum requirements of this Section and the requirements of all other applicable County ordinances, except as such requirements may be appropriately modified by the Committee, and the requirements of all other applicable Federal, State, and local statutes, rules, regulations, ordinances and permits relating to blasting, mining, land use, highway access, air pollution, water pollution, contamination of the ground, solid waste disposal, navigable waters, groundwater, wetlands, floodplains, shorelands, and other environmental matters. The Committee may impose requirements which are in addition to, or more stringent than, the minimum requirements of this Section. In granting a permit, the Committee shall specify all aspects of the proposed plan of operations and plan of reclamation which are not approved. No application shall be granted unless the Committee first finds that the approved operations, as conditioned, will result in no significant loss, harm, or damage to neighboring property owners, to the County, or to the public health, safety or welfare, nor serious risk of any such loss, harm or damage, and that the approved reclamation will result in a safe, useful, and aesthetically pleasing site. In deciding upon an application regarding an operation that pre-existed the effective date of this Section, and was active on the effective date of this Section, the Planning, Development & Extension Education Committee shall take into account the nature, extent, circumstances, and past performance of the operation and shall modify the requirements of this Section to the extent necessary to ensure that the permit requirements are reasonable under the particular circumstances.

k Term of Permit. Permits shall be granted for an initial term of two (2) years. Thereafter, permits may be renewed by the Planning, Development & Extension Education Committee for terms of two (2) years. Any permit issued pursuant to this Section shall automatically terminate upon the abandonment of the quarry or other nonmetallic mining operations.

l Renewal. Applications for the renewal of a permit shall be filed with the County Clerk not later than ninety (90) days prior to the expiration date. Any information or materials required for an initial permit application shall be supplied with the application for renewal to the extent that such information or materials were not supplied with the prior application or to the extent that the previously supplied information or materials are out of date or no longer accurate and complete. Such an application shall be processed in the same manner as an initial permit application. In the event that a timely renewal application is not decided by the expiration date of the permit, the permit shall be deemed to be extended to the date of the Committee's decision.

m Amendment. In the event that the operator desires to make any material modification in the permitted operation or reclamation, the operator shall file with the County Clerk an application for an amendment to the permit. Such application shall describe in detail the proposed modification, explain the effects of the proposed modification, supplement and update the information and materials submitted with the prior

application and make the certification required for renewal applications. Such an application shall be processed in the same manner as an initial permit application.

n Review and Monitoring Fees. The applicant shall pay a fee equal to the cost of any administrative, legal, engineering, or consultant work which may be undertaken by the County in the review of a quarrying or nonmetallic mining permit application. Such fee may include the cost of any monitoring activity set forth as a condition of the permit issued.

o Security. As a condition of any permit issued pursuant to this Section, the Planning, Development & Extension Education Committee shall require, and the operator shall promptly deposit with the County, an irrevocable letter of credit, cash, a bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition, in accordance with the approved restoration plan, to the extent of the mining operations if the operations were abandoned during the term of the permit. Any security instrument shall be in a form satisfactory to the County Corporation Counsel and shall be issued by a person satisfactory to the Corporation Counsel. Any cash deposited with the County shall be deposited in a segregated interest-bearing account and shall be used only for the required restoration. Any security shall be promptly released or returned to the operator, with any accrued interest, at the completion of the approved reclamation to the satisfaction of the Planning, Development & Extension Education Committee. The termination, expiration, or modification of a security instrument, in the absence of a renewal or replacement thereof or the making of other arrangements satisfactory to the Planning, Development & Extension Education Committee after review by the Corporation Counsel, shall be grounds for suspension of the operator's permit.

p Transfer. Permits issued under this Section may be transferred only with the prior written approval of the Planning, Development & Extension Education Committee. Such approval shall not be unreasonably withheld, but the Committee shall not approve any transfer in the absence of satisfactory arrangements regarding security and the prompt correction of any prior failure to comply with permit requirements.

q Minimum Standards. The following are minimum standards for all operations commenced after the effective date of this Section, and to the extent reasonable, for all pre-existing operations contained thereafter.

1) The minimum setback of any excavation shall be two hundred (200) feet from any street right-of-way or property line. When the operations adjoin residentially developed land or residentially zoned land, the Committee shall carefully consider whether greater setbacks are required.
2) The minimum setback of any building, structure, storage area, parking area, or stockpile shall be one hundred (100) feet from any street right-of-way or property line.
3) Access ways and roads shall be maintained in a dust free condition either by oiling or by spraying with calcium chloride.
4) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an

excavation. No extractive operation shall be conducted in a manner so as to lower the water table of surrounding properties.

5) No plan of reclamation shall be approved unless it will result in a safe, useful, and aesthetically pleasing site.

6) No reclaimed slope shall exceed a four-to-one ratio of horizontal distance to vertical distance; provided, however, that this requirement shall not apply to rock faces, and further provided that the Planning, Development & Extension Education Committee, for good cause shown, may modify this requirement.

7) After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six (6) inches, (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

~~112~~111 Railroad depots in the B-2 and I-1 Districts.

a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee and shall include the location of storage of any hazardous fuels and materials. (11/5/84)

b A detailed plan of operation shall be presented to the Planning, Development & Extension Education Committee and shall include a plan for the security, fencing, lighting, and safety of individuals in the area. (11/5/84)

c The depot shall be located in such a manner as to preclude trains at a stop from interfering with any motor vehicle traffic.

~~113~~112 Railroad Line construction and maintenance in the C-1 and C-3 District, provided that: (11/5/86)

a The railroad lines cannot as a practical matter be located outside of a wetland; and

b Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

~~114~~113 Railroad terminals and freight yards in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for railroad depots in the B-2 and I-1 Districts shall be complied with.

b An impact statement may be required by the Planning, Development & Extension Education Committee detailing the impact of such terminal or freight yard on other proper-ties in the general area. (11/5/84)

c All outside storage of material shall be securely fenced.

d Repairs of cars and locomotives shall be indoors.

e Storage of junk parts shall not be permitted on the site.

f Salvaging operations shall not be permitted on the site.

g Internal roads, parking and loading areas shall be paved with dust free materials, such as concrete or asphalt or oiled so as to keep the area in a dust free condition.

h A storm water drainage plan prepared by a certified engineer shall be submitted to the Planning, Development & Extension Education Committee for approval. (11/5/84)

i Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

~~115~~114 Recreational vehicle (RV) campground or subdivisions in the PR-1 District.

a Recreational vehicle campgrounds and subdivisions are uses of land which require a unique site and direct accessibility. Generally, sites should be of such character that they are naturally well-screened by existing natural planting which affords primary seclusion. The use of lands for recreational vehicle parks inherently expresses the fact of minimum impact upon adjoining land uses. The express concern of an adequate site and direct accessibility from major thoroughfares are important factors which shall be considered in site selection and the final determination of an acceptable site for a recreational vehicle campground or subdivision.

b The site shall contain at least twenty (20) acres and have an average width of a least three hundred (300) feet.

c The site shall have direct access to a federal, state or county highway.

d A site plan of one inch equals 100 feet, showing all improved lots, unimproved lots, structures, parking areas, roads, walkways, recreational areas and other service facilities shall accompany the application.

e A preliminary drainage and utility plan shall be in compliance with the on-site detention regulation.

f Each recreational vehicle campground or subdivision shall be completely enclosed, except for permitted entrances and exits by:

1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and
2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

g When the recreational vehicle campground or subdivision ceases to operate, accessory uses shall immediately cease.

h The development may be developed for sale or rental, or may be developed as a condominium pursuant to Chapter 703 of the Wisconsin Statutes and amendments thereto.

i RV developments shall be located on public sanitary sewer facilities except that where the development is based on rental sites and the development does not result in a permanent subdivision of land and the sale of lots or sites in fee simple absolute, said development shall be located on public sanitary sewer facilities or shall be served by a private treatment system approved by the Wisconsin Department of Natural Resources and the Wisconsin Department of Health and Social Services or Department of Industry, Labor and Human Relations--Plumbing Section, or any other applicable governing agencies.

j RV developments shall be supplied by municipal or community water facilities or high capacity well.

k RV developments shall, under no circumstances, in the case of recreational vehicle development as fee simple lots or RV condominiums, have a density exceeding 6.5 units per gross acre maximum and 20% of the total acreage shall be maintained in common open space areas. When a campground is developed on a basis of rental sites, such development shall, under no circumstances, have a density exceeding 12 units per gross acre maximum.

l A general development plan for all proposed phases of development and a plan of operation shall be submitted with the application for a conditional use permit. Detailed plans shall be submitted before each phase is to be approved.

m Developers shall submit for approval to the Kenosha County Planning, Development & Extension Education Committee before each proposed phase is to be approved a detailed landscaping plan along with a list of the type, number and size of the plantings with a time table for planting. The landscape plan must provide for sufficient screening and tree planting between individual lots or sites and between lots or sites in all common open space areas. Said landscape plan shall also be reviewed by the USDA Natural Resources Conservation Service for their recommendation with respect to minimizing soil erosion. (11/5/84)

n All RV developments shall conform to the standards of the Kenosha County Subdivision Control Ordinance, of the Kenosha County Municipal Code as they pertain to this type of development when practicable, except that the standards of section 2.6 (Floodlands) and section 7.6 (Lots) shall not apply except as modified and provided for herein and also that modifications may be made with respect to the following items:

1) Minimum lot size shall be no less than 4,000 square feet per lot with a minimum lot width of 50 feet at the road and 50 feet wide at the RV pad. Frontage requirements may vary on cul-de-sacs, and curves with a centerline radius of 200 feet or less, provided that the lot still maintains a minimum width of 50 feet at the RV pad and a lot area of 4,000 square feet and in no case shall a lot be less than 20 feet at the street.

2) All public or private streets shall have a minimum right-of-way of 66 feet. Cul-de-sacs shall have a minimum radius of 60 feet.

3) A lot may be located on a private street provided that the street meets town standards as they may pertain to pavement width and pavement construction materials.

o An RV development may have one single family residential dwelling unit with the development when used as the caretaker facility.

p Lots within an RV development shall under no circum-stances be used or combined with other lots to create a residential building site.

q All RV developments shall have extensive deed restrictions which will be furnished to the Kenosha County Planning, Development & Extension Education Committee for approval and will further be enforced by the owners through a property owner's association provided for in the deed restrictions. These restrictions shall govern the use of all lots or sites, open space areas and all amenities which are to be part of the development. Where the development creates lots of fee simple absolute or condominiums on the face of the plat, it shall further state that all lots, sites, or open space areas may not be used or combined for residential, commercial or industrial development. (11/5/84)

r No more than one (1) RV vehicle shall be located on a lot or site. Where lots are developed in fee simple absolute or condominiums, additional RV spaces shall be provided in a common overflow parking area having the necessary water and sanitary sewer facilities at a ratio of one (1) space for every ten lots or sites for visitors or guests' RV vehicles. Overflow RV parking shall not be computed as part of the overall density. An RV development shall have, for both sales and rental, at least two (2) auto parking spaces per lot or site with common overflow or parking area in a ratio of one (1) space for every ten lots or sites. Tents may be permitted on RV lots or sites.

s RV developments may have major accessory structures such as clubhouses, athletic facilities, shelters, restrooms, and major storage facilities located in common open space areas or outlots provided that they meet the necessary setback requirements of this Ordinance and in addition, that setbacks of not less than 30 feet be provided from the right-of-way of all private streets.

t RV sites may have one (1) open deck no larger than 300 square feet in area and/or one (1) private storage building no larger than 80 square feet in area and eight (8) feet in height placed on each lot or site provided that it meets all necessary requirements as outlined in the deed restrictions which are approved by the Kenosha County Planning, Development & Extension Education Committee as it may pertain to design, dimensions and materials permitted for construction. Setbacks of not less than five (5) feet from all lot lines and 38 feet from the center line of street rights-of-way shall be provided. A zoning permit will be required for every open deck and/or storage building. Fences will only be permitted for a total development project and not for individual lots. (11/5/84)

u RV developments may have one (1) commercial facility per development, such as a small convenience store, restaurants, snack bar, etc., located on the complex when designed for use by occupants only. Under no circumstances may this facility advertise for general street trade.

v No RV lot or lots shall be used or converted for the use of a mobile home and/or mobile home parks.

w RV development management shall prohibit the use of RVs that are not operable and currently licensed and further shall prohibit the use of enclosures, foundations or other means which tend to make the RV unit less mobile.

x Additional restrictions or requirements may be imposed by the Kenosha County Planning, Development & Extension Education Committee and impact statements as deemed necessary by the Planning, Development & Extension Education Committee may be required. (11/5/84)

y Lots in the PR-1 Park Recreational District shall provide sufficient area for the principal structure or use, and its accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not required pursuant to subsection 99 i, and required yards.

z No building or part of a building shall exceed 35 feet in height.

aa A minimum street yard (setback) of 65 feet from the right-of-way of all State trunk or County trunk highways, and 40 feet from all other roads shall be required.

bb A minimum shore yard not less than 75 feet from the high water elevation of any navigable water.

cc No building or structure shall be erected, placed, or moved closer than 40 feet to any other lot line.

dd Every builder of any building hereafter erected or structurally altered in the PR-1 Park Recreational District shall, before a building permit is issued, present detailed plans and specifications of the proposed structure to the Kenosha County Planning, Development & Extension Education Committee, who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion or otherwise endanger the public health or safety, or substantially diminish or impair property values within the community. (11/5/84)

~~116~~115 Recreational vehicle, motor home or similar large size equipment or vehicle sales involving extensive outdoor display and storage in the B-3 District.

a Those requirements set forth for the granting of a conditional use permit for automotive sales, service and repairs in the B-2 and B-3 Districts shall be complied with.

b A detailed site plan and storm water drainage plan shall be submitted to the Planning, Development & Extension Education Committee for approval with said plans taking into consideration security, fencing, lighting, location of signs, and traffic and parking proposals. (11/5/84)

~~117~~116 Recycling centers and warehousing of recovered resources in the M-2 and M-4 Districts. (8/20/91)

a A site plan and plan of operation shall be submitted to the Planning, Development & Extension Education Committee.

b Reclamation of sewage sludge, food wastes, and other organic material is prohibited.

c Reclamation of carcinogens and other hazardous wastes is prohibited.

~~118~~117 Refineries in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for petroleum bulk stations and terminals in the M-1 and M-2 Districts shall be complied with.

~~119~~118 Rendering plants in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

~~120~~119 Resorts in the PR-1 District.

a A statement of intent outlining the type of recreational activities and facilities to be located on the site shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b A detailed site plan shall be presented to the Planning, Development & Extension Education Committee along with proposals for sanitary facilities. (11/5/84)

~~121~~120 Restaurants or taverns or cabarets (with live entertainment) in the B-3 District.

a Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

b There shall be strict compliance with those performance standards set forth in this ordinance relating to noise, and where circumstances warrant, the performance standards in this ordinance relating to noise may be expanded.

c There shall be strict compliance with all state and local laws relating to liquor and/or malt beverages and all local ordinances relating to cabarets.

~~122~~121 Restaurants, bars and taverns with outdoor dining, recreation, entertainment in the B-2 and B-3 Districts. (8/6/02)

a A site plan shall be submitted showing all proposed outdoor use areas including parking, landscaping and the location of existing structures.

b Hours of use may be limited to prevent disturbance to abutting property owners

c Lighting may be limited to prevent disturbance to abutting property owners.

d There shall be no outside music speakers or live music.

e Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.

~~123~~122 Repealed ()

~~124~~123 Retail or Wholesale Sales of Manufactured Products on Premises in the M-1 and M-2 Districts.

a All sales shall be in an enclosed structure separate from those structures wherein the products being sold are manufactured.

~~125~~124 Riding stables and indoor riding arenas (public) in conforming A-1, A-2, and A-4 Districts. (8/6/02)

a A detailed site plan and a plan of operation which details the operation shall be presented to the Planning, Development & Extension Education Committee.

b Adequate provisions shall be made for the proper disposal of animal waste.

~~126~~125 Road test facilities in the M-2 District.

a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee for approval, with said plan specifying the location for the storage of hazardous fuels. (11/5/84)

b The site shall contain a minimum of 30 acres and there shall be a minimum setback of 400 feet from any boundary line.

c There shall be strict compliance with the performance standards set forth in this ordinance for noise control and where circumstances warrant, the standards set forth in this ordinance for noise control may be expanded upon.

d The Planning, Development & Extension Education Committee may restrict the hours of operation of the facility. (11/5/84)

e Lighting shall not be permitted to shine upon adjacent property.

f The facility shall not be used for any form of public entertainment and shall be closed to the public during road testing.

~~127~~126 Road construction and maintenance in the C-1 and C-3 District, provided that: (11/5/86)

a The road is necessary to the conduct of agricultural cultivation or to a silvicultural activity;

b The road cannot as a practical matter be located outside the wetland;

c The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland;

d The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

e Road construction activities are carried out in the immediate area of the roadbed only.

~~128~~127 Road and driveway construction and maintenance in the C-3 District provided that: (11/5/86)

a The road or driveway is necessary to the continuity of a planned urban street system;

b The road or driveway cannot as a practical matter be located outside the wetland;

c The road or driveway is designed and constructed to minimize adverse impact upon the natural functions of the wetland and on wetland values (See Section 12.39-2(b));

d The hydrologic continuity of a wetland traversed by a road or driveway shall be maintained through use of an appropriate culvert;

e The road or driveway is designed and constructed with the minimum cross-sectional area practical to serve the intended use. Driveways should not be wider than 12 feet, and where practical, adjacent properties should share a single access;

f Road and driveway construction activities are carried out in the immediate area of the roadbed only. Roads and driveways should be protected by a stable side slope of one on two (1:2);

g The Wisconsin Department of Natural Resources (DNR) may exercise preemptive procedures as set forth in Section 12.39-2(c) where roads or driveways may have an adverse impact upon the criteria listed in Section 12.39-2(b).

~~129~~128 Rummage sales and flea markets (permanent) in the B-3 District.

a The site shall be securely fenced and adequately lit at night with the provision, however, that no night lights shall be permitted to shine upon adjoining property.

b A site plan shall be presented to the Planning, Development & Extension Education Committee which shall delineate all sanitary facilities, fire lanes, parking, and proposed traffic routes. (11/5/84)

c There shall be strict compliance with the performance standards set forth in this ordinance for noise, and where circumstances warrant, stricter standards may be imposed by the Planning, Development & Extension Education Committee for noise control. (11/5/84)

d No permanent structure shall be permitted on the site.

e No camping shall be permitted on the site.

~~130~~129 Sanitary landfill operations in the M-4 District. (8/20/91)

a A statement of intent shall be presented to the Planning, Development & Extension Education Committee indicating the type of material that will be placed on the site and whether or not said material is deemed hazardous, and the manner in which the material is to be buried. (11/5/84)

b An impact statement shall be required addressing itself to the impact of the sanitary landfill operation on the surrounding environment, community, and economy.

c A storm water drainage and tile plan prepared by a certified engineer shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

d A detailed restoration plan and time table shall be submitted to the Planning, Development & Extension Education Committee. In the alternative, the applicant may satisfy this condition by meeting the requirements of sections 144.443 and 144.444 of the Wisconsin Statutes concerning financial responsibility and transference of responsibility. Evidence of satisfying this condition may be provided to the Planning, Development & Extension Education Committee. (6/2/92)

e All state and/or federal licenses and permits shall be submitted to the Planning, Development & Extension Education Committee and all Federal and State laws and regulations shall be complied with. (11/5/84)

f The requirements set forth in the Wisconsin Administrative Code, section NR 151 (NR 180) as amended from time to time shall be complied with and the issuance of a conditional use permit shall be conditioned on such compliance.

g A detailed site and sanitary plan shall be presented to the Planning, Development & Extension Education Committee as well as a method of maintaining records of the source and type of waste deposited on the site and its location and date of deposit. (11/5/84)

h Sanitary landfills shall not be permitted within 1200 feet of a residence or within a conservancy or floodplain district, nor shall such landfill be permitted within 300 feet of

any shoreland area. In addition, sanitary landfills shall not be permitted within 1200 feet of any private or public water supply. To the extent that no environmental harm will occur, the Planning, Development & Extension Education Committee may grant a variance to any of the aforesaid separation requirements. (6/2/92)

i The landfill owner/operator shall post a performance bond to insure proper operation, closure and long-term care of the proposed site. Compliance with Section 144.443 of the Wisconsin Statutes concerning "financial responsibility," as amended from time to time, shall satisfy this condition. (6/2/92)

An additional bond shall be furnished to the County to insure against possible road damage to nearby roads due to heavy trafficking of materials.

j Periodic inspections shall be made from time to time by the Department of Planning and Development.

k The sanitary landfill shall be completely enclosed, except for permanent entrances and exits by either:

1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and

2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years, they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

l The conditional use permit may be revoked in accordance with the procedures set forth in section 12.29-7 of this Ordinance. (6/2/92)

m In addition, any of the applicable requirements for granting a conditional use permit for mining or extraction of rock, etc., in the M-3 District may be required.

n All Environmental Protection Agency regulations shall be complied with respect to, but not limited to:

1) Contamination of ground and underground water.
2) Limitation of explosive gases within landfill structures.
3) Monitoring
4) Obtaining water pollution discharge permits.
5) Collection and treatment of leachate before discharge.
6) Control of rats, flies, and mosquitos.
7) Daily covering of waste material.
8) Air quality and open burning of waste except for special wastes, as for example, brush, or emergencies
9) Security
10) Availability of water or dirt to control accidental or permitted fires.
11) Restriction of flood waters or reduction of water storage capacity of floodplains.
12) Bird hazards in the vicinity of airports.

13) Modifications of species habitat or interference with migration.
14) Hazardous wastes regulations.

~~131~~130 School auditoriums, gymnasiums and stadiums in the I-1 District.

a At least one off-street parking space shall be provided for every three seats located within the auditorium, gymnasium or stadium.

b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

c Night lighting shall not shine on adjoining property.

d In the case of outdoor stadiums, the parking area shall be paved or maintained in a dust free condition.

~~132~~131 Second single family, farm related residential dwelling in the A-1 and A-4 Districts.

a The 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 Kenosha County Planning, Development & Extension Education Committee before issuance of the conditional use permit. If approval is granted for a second farm dwelling, the additional dwelling shall be placed on a parcel separated from the farm parcel. (11/5/84)

b A second farm dwelling shall provide a minimum lot area of five acres and no parcel shall be less than 300 feet in width at the highway right-of-way line. If any such aforementioned dwellings are provided with municipal sanitary sewerage services, the lot area requirement may be reduced to a minimum of 20,000 square feet and the lot width shall be not less than 125 feet. Any new five-acre parcel created as described above for a second single family 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 The second single-family farm dwelling shall be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood, as defined in this ordinance, from farm operations on the parcel or is a parent or child of the operator of the farm.

d The only accessory uses permitted in conjunction with the second single family farm related residential dwelling shall be a garage or carport and home occupations.

~~133~~132 Sewage treatment plants in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for sanitary landfill operations in the M-3 District may be required as deemed appropriate.

~~134~~133 Ship and boat building and repair in the M-2 District.

a A detailed site plan shall be presented.

b Any outside storage of material shall be securely fenced.

c Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

~~135~~134 Skeet and trap shooting ranges in the PR-1 District.

a Those requirements set forth for the granting of a conditional use permit for archery and firearm ranges (outdoors) in the PR-1 District shall be complied with, with the exception that all shooting shall be in the direction of targets and all targets shall be at least 750 feet from any property line and with the further exception that firing shall not be permitted directly toward or over any navigable waters, public or private roads or drives, nor toward any buildings or structures, nor toward any population concentration within 3/4 of a mile of the site where rifles are used nor more than 1 mile from the site in those cases where a shotgun (fine shot) is used.

b The Planning, Development & Extension Education Committee may restrict the hours of operation. (11/5/84)

c Lighting shall not shine on adjacent property.

d Proper and recognized signals shall be used in the operation of the range.

e A detailed site plan shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

~~136~~135 Ski hills with restaurants and ski shops in the PR-1 District.

a A detailed site plan shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

b An impact statement outlining the impact of the facility on adjoining properties, and the environment shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

c A storm water drainage plan prepared by a certified engineer shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

d Night lighting shall not be permitted to shine upon adjacent property.

e Any use of outdoor speakers shall be in compliance with the performance standards set forth in this ordinance for noise control.

f Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

g Ski lifts shall not exceed 75 feet in height and shall not be located closer than 50 feet to any property line.

~~137~~136 Smelting and refining of all metals and alloys in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.

~~138~~137 Snowmobile trails in the PR-1 District.

a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee indicating thereon access and exit points on the trail. (11/5/84)

b The trail shall be posted with proper speed limits and warning signs as deemed necessary.

~~139~~138 Repealed 11/5/86

~~140~~139 Sportsmen clubs in the PR-1 District.

a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

b The site shall be posted at least every 100 feet as a sportsmen's club.

c Impact statements as deemed appropriate by the Planning, Development & Extension Education Committee may be required. (11/5/84)

~~141~~140 Stockyards in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

b Impact statements as deemed necessary by the Planning, Development & Extension Education Committee may be required. (11/5/84)

c The site shall be securely fenced as deemed appropriate by the Planning, Development & Extension Education Committee. (11/5/84)

d A storm water drainage plan prepared by certified engineers shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

e Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

~~142~~141 Storage of mineral products or machinery in the M-3 District.

a The site shall be securely fenced as deemed appropriate by the Planning, Development & Extension Education Committee. (11/5/84)

b A storm water drainage plan prepared by a certified engineer shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

~~143~~142 Storage of recreational vehicles, boats or snowmobiles in the A-1, A-2 and A-4 Districts.

a Storage of more than two recreational vehicles and/or boats or snowmobiles shall be within an enclosed structure.

~~144~~143 Summer theaters and amphitheaters or band shells in the PR-1 District.

a A detailed site plan shall be submitted to the Planning, Development & Extension Education Committee along with the proposed hours of operation and seating capacity on the premises. (11/5/84)

b At least one off-street parking space shall be provided for every three seats located within the theater, amphitheater or band shell.

c The site shall have direct access to federal, state or county highways.

d An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the theater, amphitheater or band shell.

e Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

f Parking areas shall be maintained in a dust free condition and where paved, a storm water drainage plan shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)

g Night lighting shall not be permitted to shine on adjacent property.

h Proposals for water and sanitation facilities and emergency services shall be reviewed by the Planning, Development & Extension Education Committee. (11/5/84)

i Increased performance standards with respect to noise may be required as deemed necessary.

~~145~~144 Tanneries in the M-2 District.

a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.

b Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

c The performance standards set forth in this ordinance as they relate to odor shall be complied with by the operator of the tannery; stricter standards may be imposed as deemed appropriate.

~~146~~145 Taverns (with no live entertainment) in the B-1 District.

a Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

b Performance standards set forth in this ordinance as they relate to noise control shall be complied with, and where deemed appropriate, the Planning, Development & Extension Education Committee may establish stricter performance standards relating to noise control. (11/5/84)

~~147~~146 Truck stops, sales and service in the B-3 District.

a A detailed site plan shall be submitted to the Planning, Development & Extension Education Committee and shall include therein the location of storage facilities for all fuels and other hazardous materials. (11/5/84)

b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

c All repair work shall be done within enclosed structures.

d All street yard, side yard and rear yard setbacks shall be at least 100 feet.

e Night lights shall not be permitted to shine on adjacent property.

f All parking areas and roadways shall be maintained in a dust free condition and where paved, a storm water drainage plan shall be submitted to the Planning, Development & Extension Education Committee by a certified engineer. (11/5/84)

~~148~~147 Utilities and substations in the M-3 District.

a Environmental and economic impact statements shall be required by the Planning, Development & Extension Education Committee. (11/5/84)

b A detailed site plan shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

c A storm water drainage plan prepared by a certified engineer shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)

d The site shall be securely fenced and marked with appropriate warning signs.

e Failure to comply with the performance standards set forth in this ordinance shall be grounds for revocation of the conditional use permit.

~~149~~148 Utility Construction and Maintenance, including electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, in the C-1District, provided that: (11/5/86)

a The transmission and distribution facilities cannot, as a practical matter, be located outside the wetland;

b Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.

~~150~~149 Utility facilities (except buildings and substations) such as underground watertight conduits, telephone and electric poles, etc., constructed in conformance with section NR 116.17 of the Wisconsin Administrative Code in the FPO District, provided that: (11/5/86)

a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.

~~151~~150 Utility substations, microwave relay stations, and cellular relay stations in the A-1, A-2, A-3, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, M-1, M-2, I-1 and C-2 Districts. (8/9/94)

a All utility substations, microwave relay stations, and cellular relay stations shall be securely fenced and marked with appropriate warning signs.

b The height of tower-mounted utility substations, microwave relay stations, and cellular relay stations shall not exceed three (3) times their distance from the nearest property line.

~~152~~151 Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil in the M-3 District

a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee along with a storm water drainage plan prepared by a certified engineer. (11/5/84)

b Impact statements as deemed appropriate by the Planning, Development & Extension Education Committee may be required. (11/5/84)

c Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance. Roads shall be maintained in a dust-free condition.

~~153~~152 Water storage tanks and towers and radio and television transmitting and receiving towers in the B-5 and I-1 Districts. (8/9/94)

a Towers shall not be located closer than 50 feet to any structure.

b All towers shall be securely anchored and lit with warning lights as deemed appropriate.

c All federal and state licenses shall be filed with the Planning and Development Administrator's office.

d Water tanks and water towers are exempt from the height limitations of this Ordinance. The height of radio and television transmitting and receiving towers shall not exceed three (3) times their distance from the nearest property line.

~~154~~153 Water withdrawal and diversion uses in shoreland areas. (See section 12.18-6 of this ordinance)

~~155~~154 Wildlife ponds in the C-1 District, provided that: (6/2/92)

a Any excavating, ditching, dredging, or draining that is to be done must be necessary for such construction and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands. Any excavating, ditching, dredging, or draining shall be for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

b Wildlife ponds shall not exceed an average depth of five (5) feet and side slopes shall not exceed a gradient of one (1) foot vertical to five (5) feet horizontal.

c Spoils from pond construction shall not be deposited or disposed of within the C-1 District.

~~156~~155 Wrecking, junk, demolition and scrap yards in the M-2 District.

a Any wrecking, junk, demolition and scrap yard, or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established in this ordinance. Failure to comply with said performance standards shall be grounds for revocation of the conditional use permit.

b All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited.

c Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

d All ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

e No wrecking, junk, demolition or scrap yard shall be located within 1000 feet of any navigable body of water or shoreland area.

f There shall be proper and adequate control of all rodents.

g There shall be strict compliance with section 8.04 of the Municipal Code of Kenosha County and the requirements set forth therein for motor vehicle wrecking yards.

h A performance bond shall be required by the Planning, Development & Extension Education Committee to insure compliance with the conditions set forth by the Planning, Development & Extension Education Committee and which conditions form the basis for the granting of a conditional use permit. (11/5/84)

A corporate surety bond shall be furnished to the County to assure compliance with the approved rehabilitation map and plan. The bond shall be in an amount to be determined by the committee sufficient to cover twice the projected expenses of such rehabilitation at the time that the rehabilitation is to occur according to the plan of the applicant. A termination date for the completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimated length of time the operation will be necessary.

An additional bond shall be furnished to the County to insure against possible road damage to nearby roads due to heavy trafficking of materials.

i The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon an application for a period of an additional two years by the Planning, Development & Extension Education Committee upon review of the performance of the operations. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any surety bond. (11/5/84)

j No junk yard shall be permitted to operate in violation of sections 84.31 and 175.25 of the Wisconsin Statutes. In addition, a license shall be obtained from the county clerk as prescribed by the Municipal Code of Kenosha County.

~~157~~156 Zoological and botanical gardens in the PR-1 District.

a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee setting forth in detail the location of all structures, sanitary facilities, etc. (11/5/84)

b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

c Night lights shall not be permitted to shine on adjoining or adjacent property.

d There shall be only off-street parking provided for.

e In the case of zoological facilities, the site shall be securely enclosed and the Planning, Development & Extension Education Committee shall review the security system to be used on the premises for the containment of animals, reptiles, etc. (11/5/84)

~~158~~157 Wind energy conversion systems, commonly called "windmills", in the A-1, A-2, A-3, A-4, R-1, I-1, PR-1 and C-2 Districts.

a The site area shall be a minimum of five (5) acres.

b 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 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.

d 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.

e 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 broad-casting or 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 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 restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.

g 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.

h 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.

VI. ENFORCEMENT

A. BONDS

12.30
The Planning, Development & Extension Education Committee may require that a performance bond or letter of credit be obtained for the benefit of the county and filed with the county so as to insure compliance with the terms of this ordinance or a permit. In setting the amount of the bond or letter of credit, consideration should be given to 1) the purpose of the bond or letter of credit, 2) the use to which any forfeited money is to be applied, and 3) the time when it may be applied and any increased costs due to time or inflation that may be incurred by the county in the event of noncompliance with this ordinance or the terms of a permit or that may be incurred for purposes of rehabilitation. The amount of the bond may be subject to further review. Failure to obtain or maintain such bond or letter of credit shall invalidate any permit. (11/5/84)

B. VIOLATIONS, INJUNCTION, ABATEMENT AND REMOVAL

12.31
It shall be unlawful to construct, develop or use any structure, or develop or use any land, water or air in violation of any of the provisions of this ordinance or order of the Planning, Development & Extension Education Committee or Board of Adjustment. In case of any violation, the county board of supervisors, the Corporation Counsel, the Director of Planning and Zoning, the Planning, Development & Extension Education Committee, any municipality, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate legal action or proceedings to enjoin a violation of this ordinance, or seek abatement or removal. In addition, those actions commenced on behalf of Kenosha County may seek a forfeiture or penalty as outlined herein. (11/5/84)

C. PROCEEDINGS

12.32-1 CIVIL PROCEEDINGS
Pursuant to the provisions of section 66.12 of the Wisconsin Statutes, an action for violation of a municipal ordinance is deemed a civil action. Accordingly, Chapters 801 to 847 of the Wisconsin Statutes shall apply where applicable to violations of this ordinance.

12.32-2 CORPORATION COUNSEL
The Kenosha County Corporation Counsel may in his discretion commence legal actions or proceedings as outlined above and may proceed pursuant to the proceedings outlined in Wisconsin Statutes section 66.119, 66.12, or 288.10 or pursuant to the issuance of a summons and complaint.

12.32-3 UNIFORM CITATION ORDINANCE
Pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County, citations may be issued by the Planning and Development Director, the Planning and Development Administrator, or authorized deputies.

12.32-4 PECIAL INSPECTION WARRANTS
The provisions of Wisconsin Statutes section 66.122 and 66.123 shall govern the issuance of all special inspection warrants.

12.32-5 STATUTE OF LIMITATIONS
Pursuant to Wisconsin Statutes section 893.21(4), any action to recover a forfeiture or penalty imposed by ordinance or regulation of any county, when no other limitation is prescribed by law, shall be commenced within two years of said violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two-year period prior to the issuance of the complaint.

D. PENALTIES

12.33-1 GENERAL PENALTIES (6/12/12)
Any person, partnership, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the Department of Planning and Development issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars ($10) or more than Five Hundred Dollars ($500) and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. (1/22/85)

Any person, partnership, firm, or corporation who fails to comply with the floodland district regulations of this ordinance or any order of the Department of Planning and Development issued in accordance with the floodland regulations this ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars ($10) or more than Fifty Dollars ($50) and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues 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 county, the state, or any citizen thereof pursuant to s. 87.30, Stats.

12.33-2 SCHEDULE OF CASH DEPOSITS FOR VIOLATIONS CHARGED UNDER 12.32-3
The cash deposit for the violation of any section or subsection of this ordinance shall be One Hundred Dollars ($100). In addition, upon conviction, any person who has been found to have acted in violation of any of the above sections shall be liable for the costs of prosecution including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. For a second offense of a similar nature within a twelve-month period, the cash deposit shall be Two Hundred and Fifty Dollars, ($250) and for a third offense of a similar nature within a twelve month period, the cash deposit shall be Five Hundred Dollars, ($500). (1/22/85)

E. LIENS

12.34
In addition to all other remedies available at law, pursuant to Wisconsin Statutes, section 59.69(11), authorizing the county board to prescribe rules and regulations as it may deem necessary for the enforcement of the provisions of this ordinance, judgment on convictions of violations of the terms of

this ordinance wherein a forfeiture or penalty is imposed shall be filed with the Register of Deeds Office for Kenosha County and shall constitute a lien on the property and running with the property wherein the violation occurred and shall be removed only upon payment of said penalty or forfeiture. Notice of the imposition of such a lien shall be given to the defendant and prior to the filing of the lien, the defendant shall be given ten days to appeal to the court of the county in imposing such a lien on the property wherein the violation occurred. Any judgment so filed with the Register of Deeds shall note thereon the imposition of such a lien and a legal description of the property so affected. Upon satisfaction or partial satisfaction of such judgment, notice of such satisfaction or partial satisfaction shall be filed with the Register of Deeds.

VII. APPEALS

A. ADMINISTRATIVE APPEALS

12.35-1 MUNICIPAL ADMINISTRATIVE PROCEDURE

Chapter 68 of the Wisconsin Statutes, Municipal Administrative Procedure, as hereinafter modified pursuant to the authority granted in section 68.16 of the Wisconsin Statutes is hereby adopted by reference.

12.35-2 DETERMINATIONS REVIEWABLE

The following determinations are reviewable under this chapter:

(a) The granting or denial in whole or in part after application of an initial permit, (including a conditional use permit), license, right, privilege or authority, with the exception, however, of the granting or denial of a variance or any other decision of the Board of Adjustments and with the exception of any amendment made pursuant to section 12.38 of this ordinance.

(b) The suspension, revocation or non-renewal of an existing permit, license, right, privilege or authority.

(c) Any decision of the historical preservation commission made pursuant to section 12.26-2 of this ordinance.

(d) The failure to list a particular principal or accessory use in sections 12.20 through 12.26 of this ordinance or the failure to list a home occupation in section 12.09-2 of this ordinance.

12.35-3 PERSONS AGGRIEVED

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the municipality, whose rights, duties or privileges are adversely affected by a determination made pursuant to this ordinance. No department, board, commission, agency, officer, or employee of the county who is aggrieved by an administrative decision may initiate a review under this chapter of a determination of any other department, board, commission, agency, officer or employee of Kenosha County. However, said department, board, commission, agency, officer or employee may respond or intervene in a review proceeding under this chapter initiated by another.

12.35-4 WRITTEN DETERMINATIONS

If a determination that is reviewable under this section is made orally, or, if in writing, does not state the reasons therefore, the administrative authority making that determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within which such review may be obtained, and the office or person to whom a request for review shall be addressed. For purposes of this section, an authority making a determination is defined to include the Kenosha County Board and its Planning, Development & Extension Education Committee, the Kenosha County Director of Planning and Development and his employees or deputies. (11/5/84)

12.35-5 PETITION FOR REVIEW

Any aggrieved person may have a written or oral determination that was previously made reviewed by:

(a) Forwarding a written request by mail or hand delivery to the authority which made the determination within 30 days after having been advised and notified of such determination.

(b) Including in said request for review the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed.

(c) Requesting that the review shall be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination.

Failure to make a request as noted above to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

12.35-6 INITIAL REVIEW

(a) The request for review made to the officer, employee, agent, agency, committee, board, commission or body who made the initial determination shall review the initial determination within 15 days of the receipt of a request for review. This time for review may be extended by written agreement with the person aggrieved.

(b) The person aggrieved may file with the request for review or within the time agreed with the municipal authority written evidence and argument in support of the person's position with respect to the initial determination.

(c) The authority making the initial determination may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom the notice of appeal shall be filed. Appeals from a decision shall be taken within 30 days of notice of such decision by filing with or mailing to the authority making the decision and to the Kenosha County Board of Adjustments, written notice of the appeal. The appeal shall be allowed by the Board of Adjustments, however, only where the person aggrieved did not have a hearing substantially in compliance with section 68.11 of the Wisconsin Statutes when the initial determination was made.

12.35-7 ADMINISTRATIVE APPEAL HEARING

(a) Time of hearing. Within 15 days of the receipt of the notice of appeal filed pursuant to section 12.35-6(c) of this ordinance an administrative appeal hearing shall be held. The Kenosha County Department of Planning and Development shall serve the appellant with notice of such hearing before the Board of Adjustments by mail or personal service at least 10 days before such hearing.

(b) Conduct of hearing. At the hearing, the appellant and the determining authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing before the Board of Adjustments which shall make the decision on the

administrative appeal. The decision maker may issue subpoenas. The hearing may employ such other procedures as deemed applicable and appropriate and as set forth in section 12.36 of this ordinance. In reviewing decisions pursuant to section 12.35-2(e) of this ordinance dealing with similarities between intended principal and accessory uses and those provided for in the ordinance, the Board of Adjustments may make whatever use it deems advisable of the United States Government Office of Management and Budgets Standard Industrial Classification Manual in determining similarities.

(c) Record of hearing. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Kenosha County Department of Planning and Development.

12.35-8 FINAL DETERMINATION
Within 20 days of completion of the hearing conducted pursuant to section 12.35-7 and the filing of briefs, if any, the board of adjustments shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be a final determination.

12.35-9 JUDICIAL REVIEW
A judicial review of any final determination may be had pursuant to the provisions of section 12.37-1.

12.35-10 LEGISLATIVE REVIEW
(a) The seeking of a review pursuant to this section of the ordinance does not preclude a person aggrieved from seeking relief from the Kenosha County Board of Supervisors.

(b) If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Kenosha County Board of Supervisors shall be made part of the record on review before any court of law.

(c) The Kenosha County Board of Supervisors need not conduct the type of hearing required under section 68.11 of the Wisconsin Statutes.

12.35-11 COMMITTEE DECISIONS
Where the person aggrieved has had a hearing substantially in compliance with section 68.11 of the Wisconsin Statutes before the Kenosha County Planning, Development & Extension Education Committee when the initial determination was made, said determination shall be deemed a final determination from which a judicial review as heretofore provided for in section 12.35-9 of this ordinance may be immediately sought. (11/5/84)

B. <u>VARIANCES BEFORE THE BOARD OF ADJUSTMENTS</u>

12.36-1 INTENT
It is the intent of this section of the Ordinance to recognize that under certain conditions and circumstances, it may be necessary to obtain a variance from the terms of this Ordinance so long as said variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship or practical difficulties and where the granting of such variance will uphold the spirit of this Ordinance and

contribute to the justice of the particular case in question. Any variance granted under the terms of this ordinance shall, however, relate only to area requirements and not to use. Furthermore, it is the intent of this section to establish a Board of Adjustments for the purpose of reviewing applications for variances as well as reviewing orders and decisions made by the Department of Planning and Development.

12.36-2 BOARD OF ADJUSTMENTS ESTABLISHED

Pursuant to Section 59.694 of the Wisconsin Statutes there is hereby established a Board of Adjustments for the County of Kenosha for the purpose of hearing appeals and applications and granting variances to the provisions of this ordinance in harmony with the purpose and intent of this ordinance.

12.36-3 BOARD MEMBERSHIP AND ORGANIZATION

(a) The Board of Adjustments shall consist of five members and two (2) alternates appointed by the county executive and approved by the county board of supervisors. The county executive shall make his nominations at least one month prior to their appointment. The incumbent member of the Board of Adjustments whose term of office has expired shall remain in office only until such time as permitted by state statute.

(b) Terms for board members shall be for a period of three (3) years. Incumbent members shall continue to serve until their terms expire. The county executive shall annually designate one of the alternate members as the 1st alternate and the other the 2nd alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refused to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

(c) Members of the Board of Adjustment shall be eligible for such position only in the event that they reside within the County of Kenosha and outside the limits of incorporated areas providing, however, that no two members shall reside in the same town. In making appointments to the Board of Adjustments, the county executive and the county board of supervisors shall attempt to make appointments to the Board of Adjustments of individuals having a background in land use planning, geography, urban affairs, or such other prior experience in related areas whenever feasible. Prior membership on the Board of Adjustments or on a Town Planning Commission shall constitute prior experience. Attempts should be made to ensure that individuals appointed to the Board of Adjustments have no conflict of interest with said appointment.

(d) The Board of Adjustments shall choose its own chairman every year.

(e) Office room shall be provided by the County Board and the actual and necessary expenses incurred by the Board of Adjustments in the performance of its duties shall be paid and allowed as in cases of other claims against the county. The County Board may likewise compensate the members of said Board and such assistants as may be authorized by said County Board. Vacancies shall be filled for the unexpired term of any member whose seat becomes vacant in the same manner as appointments for a full term.

(f) Official oaths shall be taken by all members in accordance with section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments. The Department of

Planning and Development shall be represented at all meetings for the purpose of providing technical assistance when requested by the Board of Adjustments.

12.36-4 RULES, MINUTES AND SUBPOENA POWERS

(a) Chapter 2 of the Municipal Code of Kenosha County shall apply to all rules and procedures to be followed by the Board of Adjustment. In addition, the Board of Adjustment may adopt further rules, not in conflict with either state law or county ordinances, as necessary to carry into effect the regulations of the County Board. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and tape recorded. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. For purpose of this Ordinance the Kenosha County Department of Planning and Development shall be deemed to be the office of the Board of Adjustments until such time as a separate office has been established for said board.

(b) The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant in any matter upon which it is required to pass under this ordinance, or to affect any variation in this ordinance.

(c) Minutes of the proceedings and the taped record of all actions shall be kept by the board, showing the vote of each member upon each question, the reasons for the board's determination, and its findings of fact. These records shall be immediately filed in the office of the board and shall be a public record unless a closed session of the Board is permitted under section 19.85 of the Wisconsin Statutes. Records shall not be destroyed except pursuant to law. Where necessary, conclusions and orders of the Board may be filed with the Register of Deeds Office.

12.36-5 JURISDICTION AND POWERS OF THE BOARD OF ADJUSTMENTS (6/12/12)

(a) The Board of Adjustments shall have the following powers:

1 To hear and decide appeals as may be authorized by section 12.35 of this ordinance or where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of section 59.69 of the Wisconsin Statutes or this ordinance.

2 To hear and to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, or, owing to special circumstances a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

3 To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning district, floodlands, and shorelands after the Planning, Development & Extension Education Committee has made a review and recommendation. Floodland and shoreland boundaries shall be altered by the Board of Adjustments only when the applicant presents evidence that clearly and conclusively establishes that the location as shown on the zoning map is incorrect. (11/5/84) 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 12.40-4 Amendments.

4 To hear and grant applications for substitution of more or equally restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Department of Planning and Development has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

5 To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Department of Planning and Development has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Adjustment, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(b) No variance shall have the effect of permitting any use in a district that is prohibited in that district, nor shall a variance have the effect of a re-zoning.

(c) The Board may reverse, affirm wholly or partly or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

(d) The Board may request assistance from other County officers, departments, commissions, and boards.

(e) The Chairman may administer oaths and compel the attendance of witnesses by subpoena.

12.36-6 APPEALS AND APPLICATIONS FOR VARIANCES (6/12/12)

(a) Appeals to the Board of Adjustments may be taken by any persons aggrieved or by any officer, department, committee or bureau of the County or municipality affected by a decision of the Department of Planning and Development. Such appeal shall be filed in triplicate in the Department of Planning and Development within thirty (30) days after the date of written notice of the decision or order. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed in the Department of Planning and Development. Such appeals shall be commenced by filing with the Department of Planning and Development and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Department of Planning and Development shall forthwith transfer to the Board all the papers constituting the record upon which the action appealed from was taken. In addition, such appeals and application shall include the following as deemed appropriate by the Board of Adjustment:

1 Name, addresses and phone numbers of the applicant, owner of the site, architect, professional engineer, contractor, and authorized agent if applicable.

2 A description of the subject site by lot, block and recorded subdivisions or by metes and bounds; address of the subject site, tax parcel number, type of structure; existing or proposed use of the structure or site; the zoning district within which the subject site is

located; classification of the subject site either being conforming or nonconforming in its use; and whether or not the property is located within a shoreland or floodplain area.

3 A plat of survey prepared by a land surveyor registered by the State of Wisconsin showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the Department of Planning and Development may require that the plat of survey show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, and existing and proposed landscaping. (8/6/02)

4 For variances located within floodplain areas, the application shall include but not be limited to, a map plan which accurately locates or describes the proposal for a variance with respect to the floodway and flood plain, and shall provide all pertinent information such as fill dimensions and elevations, building floor elevations and floodproofing data. For all subdivision proposals and all other proposals, if the area affected exceeds 5 acres or the estimated cost of the proposal exceeds $125,000, the applicant shall provide all computations which are required to show the effect of the proposal for a variance on flood heights, velocities and floodplain storage, which information may be transmitted to the Department of Natural Resources for review. In addition to the foregoing requirements required by Section NR116.20(2) of the Wisconsin Administrative Code, the applicant shall be further required to submit any information hereinafter required by Chapter NR116 of the Wisconsin Administrative Code and amendments thereto. In addition, the Department of Planning and Development may require additional information such as but not limited to that data set forth in section 12.29-4(a)4 of this ordinance. (2/6/90)

5 Additional information relative to those standards and guidelines which must be met prior to the issuance of the variance as set forth in section 12.36-13 of this ordinance.

6 The fee specified in section 12.05-8 of this ordinance.

(b) Any application for a variance under this ordinance shall be accompanied by a sworn statement by the owner of the subject property or the applicant for a variance for said property that said property and its use will be operated in accordance with the provisions of this ordinance.

(c) For appeals concerning increases in regional flood elevation the Board shall:

1 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 12.40-4 Amendments; and

2 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.

12.36-7 STAYS

An appeal shall stay all proceedings and furtherance of the action appealed from unless the Department of Planning and Development shall certify to the Board of Adjustment after the notice and appeal shall have been filed that by reason of facts as stated in the certificate, a stay would cause imminent peril to life or property. In such case, notice shall be given to the appellant and proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a Court of record, on application and notice to the Department of Planning and Development and for good cause shown.

12.36-8 NOTICE PROCEDURES

(a) Upon receipt of a petition for a variance, the Department of Planning and Development shall place the matter on the agenda for a public hearing before the Kenosha County Board of Adjustments provided, however, that the requirements of section 12.06-4 of this ordinance have been complied with.

(b) Notice of the aforementioned public hearing shall be published as a Class 2 notice in a newspaper of general circulation within Kenosha County pursuant to Chapter 985 of the Wisconsin Statutes and the Wisconsin Open Meeting Law, section 19.81 to 19.98 of the Wisconsin Statutes. In addition, notice of said public hearing shall be mailed by certified mail, return receipt requested, to the last known address of all abutting property owners. Failure to receive notice shall not invalidate any action taken by the Board of Adjustments. After publication and notice, the petitioner may request the Board of Adjustments for a one-month postponement of the public hearing for good cause and no further publication or notice shall be required, provided, however, that notice of the adjourned hearing date is given in the record at the time of the published hearing. With respect to properties located within the floodplain areas, a copy of the application for a variance shall be given to the Department of Natural Resources at least 10 days prior to the hearing date. (11/5/84)

(c) Upon receiving a petition for an appeal or variance, the Department of Planning and Development shall forward a copy of the petition to the town board and/or town planning commission of the town wherein the parcel is located and of any other town that may be immediately adjacent or opposite of such parcel and shall allow such board or planning commission 45 days to comment on said application. Within said period of 45 days, the town board and/or planning commission shall forward their recommendation to the county board of adjustments regarding the appeal along with standards or conditions which are found by them to be necessary for the allowance of a variance. Said standards or conditions or recommendation to grant or deny the variance or appeal shall not be binding on the board of adjustments or county board.

12.36-9 HEARING PROCEDURES

In hearing a petition requesting an appeal or allowance of a variance, the board of adjustments shall call the petition at the public hearing. Upon the call of the petition, the petition shall be read by the Chairman of the board and at the conclusion thereof, the chairman shall hear and receive any evidence or sworn testimony presented by the petitioner or his authorized agent or attorney. At the conclusion of the petitioner's presentation, the Chairman shall first ask for any public comments from those in support of the petition and secondly from those in opposition to the petition. Any relevant and material evidence or sworn testimony presented by interested individuals either in favor of or in opposition to the petition shall be received by the Chairman provided however that said evidence or sworn testimony

is properly identifiable for the record. Lastly, the Chairman may ask for a recommendation from a representative of the Department of Planning and Development.

12.36-10 CONTINUANCES

Upon receiving the recommendation of the Department of Planning and Development, the board may table the petition for a period of up to three months from the date of public hearing so as to allow the petitioner an opportunity to provide any further information deemed pertinent by the board or so as to allow the board members an opportunity to view the site or similar situations already in existence if a comparison is warranted in accordance with the guidelines set forth in section 12.36-11 or consider the conditions for allowing the appeal or variance.

12.36-11 SITE VIEWS

En route to view a site as provided for in section 12.36-10 of this ordinance, board members traveling together or visiting the site at the same time shall refrain from discussing board business. Furthermore, testimony shall not be received during such view nor shall any argument be heard. The Board may, however, gather information and ask questions provided that information, data, and questions and answers are recited into the record if that information will not be entered by testimony or exhibits.

12.36-12 FINDINGS AND CONCLUSIONS

Upon having received all evidence and hearing all sworn testimony relating to the petition, the Board of Adjustments shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and any other pertinent requirements deemed necessary by the board when considering the standards set forth in section 12.36-13 of this ordinance. Upon completion of said review, the board chairman shall entertain a motion that the board either grant or deny the appeal or application for a variance based upon specific findings and conclusions which shall be part of the Board's written decision and minutes.

12.36-13 STANDARDS AND GUIDELINES (6/12/12)

(a) In determining whether a variance is to be granted, the following standards and guidelines must be met in view of the evidence presented and in making its decision, these standards and guidelines shall be addressed by the Board of Adjustment:

1. The existence of special conditions or exceptional circumstances on the land in questions.
2. The experiencing of unnecessary hardships or practical difficulties on the land in question either presently or in the future.
3. That these hardships or difficulties are the result of the aforementioned special conditions existing on the land and are not self-inflicted.
4. That the existence of these special conditions will restrict the use of the land if the Ordinance is applied literally so as to render the land useless.
5. That the limitation on the use of the land does not apply generally to other properties in the district.
6. That limiting the use of the property does not afford compensating gains to the public health, safety and welfare.
7. That the variance(s) requested are the minimum variance(s) needed to alleviate difficulties or hardships.
8. That the use of the parcel in question presently does conform to the ordinance.

9 That granting the variance applied for will not affect the public health, safety, morals and welfare of the community and other properties in the area.

10 That with respect to those areas located within the floodland districts, a variance would not permit ~~filling and development contrary to the purpose and intent of the Camp Lake/Center Lake FWO Floodway Overlay District; would not permit~~ a change in the boundaries of the FPO Floodplain Overlay District~~, FWO Camp Lake/Center Lake Floodway Overlay District or the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District~~; would not permit a lower degree of flood protection in the floodland districts than the flood protection elevation ~~(except for the fill extension beyond the limits of the structure as required in 12.26-1.7(d)1(b))~~; would not allow any residential, commercial, institutional, or park basement or crawlway to be located below the 100-year recurrence interval flood elevation; would not allow a change or alteration of an historic structure, including its use, which would result in the structure losing its designation as an historic structure; further, that the variance for the proposed action would not require an amendment to the floodplain zoning ordinance; and furthermore, that the variance would not have the effect of granting or increasing a use of property which is prohibited in the floodland districts or any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code. (3/1/94)

11 In addition to the criteria in subd. (10) above 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 RFE; 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.

(b) Variances may be granted for example for reasons of topography, environmental protection or where permitted by state statute but in no event may a variance be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction errors, economic reasons, self-created hardships, or where the property is presently a non-conforming use. Furthermore, variances may not be granted for the purpose of altering the sanitary requirements of this ordinance except for existing structures.

(c) The Board of Adjustments in considering the propriety of granting a variance shall not consider the number of persons for or against the granting of a variance but shall base their decision solely upon the equities of the situation involved.

(d) Variances may be granted in the form of an area or distance variance, however, use variances shall be specifically prohibited under this Ordinance.

(e) 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.

(a) A variance within any floodland district shall not:

1 Damage the rights or property values of other persons in the area;
2 Allow actions without the amendments to this ordinance or map(s) required in 12-40-4 Amendments; and
3 Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

12.36-14 CONDITIONS
In order to insure that any variance so granted by the Board of Adjustments is consistent with the spirit of the Ordinance and recognizing that there could be fact situations where the spirit of this Ordinance could be observed only if conditions were imposed upon the granting of the variance, the Board of Adjustments is specifically empowered to grant a variance upon conditions such as, but not limited to, landscaping, type of construction, hours of operation, traffic patterns, parking requirements, yard sizes, time periods, deed restrictions, bonds, etc. and further provide that in the absence of said conditions being met, said variance shall be null and void.

12.36-15 DECISIONS

(a) The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Department of Planning and Development, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in this ordinance.

(b) The Board of Adjustment shall decide all appeals and applications in compliance with the Wisconsin Open Meeting Law and within thirty (30) days after final hearing and shall transmit a signed copy of the Board's decision and order to the appellant or applicant and the Department of Planning and Development along with the Board's Findings and Conclusions and a statement as to which members of the board viewed the property in question and the date of such viewing.

(c) Variances granted by the Board that require issuance of a zoning permit shall expire within one year of approval unless the zoning permit is issued. Zoning permits issued in accordance with Board of Adjustments approval may not be renewed without Board of Adjustment approval. Variances are approved for specific sizes and dimensions. No additions shall be approved which affect the area for which the variance was granted unless approved by the Board of Adjustments. (8/6/02)

(d) Applicants receiving variances in the FPO Floodplain Overlay District~~, FWO Camp Lake/Center Lake Floodway Overlay District, or FFO Camp Lake/Center Lake Floodplain Fringe Overlay District~~ shall be notified, in writing, by the Board of Adjustment that increased flood insurance premiums and risk to life and property may result from the granting of the variance. The Board shall keep a record of the notifications in its files. (3/1/94)

12.36-16 ORDER ON APPEAL
In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or

determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal was taken.

12.36-17 CONFLICT OF INTEREST
Any member of the Board of Adjustments having a conflict of interest in any matter coming before the board shall refrain from any voting or discussion either prior to, at, or after the matter has been heard by the Board.

12.36-18 NOTICE TO DNR AND ARMY CORP OF ENGINEERS
The Board of Adjustments shall transmit a copy of each application for a variance to floodland and/or shoreland regulations, and a copy of each appeal to floodland and/or shoreland regulations to the Wisconsin Department of Natural Resources (DNR) and to the Army Corp of Engineers for review and comment at least ten (10) days prior to any public hearing. Final action on the application or appeal shall not be taken for thirty (30) days or until such time as the DNR and Army Corp of Engineers has made their recommendations, whichever comes first. A copy of all decisions relating to variances to floodland and/or shoreland regulations, and a copy of all decisions to floodland and/or shoreland appeals shall be transmitted to the DNR and the Army Corp of Engineers within ten (10) days of the effective date of such decision. (2/6/90)

12.36-19 MOTION TO RECONSIDER AND RE-APPEAL

(a) Where an error in judgment or procedure resulted in granting an improper variance or in denying an appeal, a motion to reconsider made by a board member or upon motion of any interested party, may be considered and the prior action of the Board rescinded if vested rights are not violated.

(b) A petition for a variance having been denied or a decision or order of the Department of Planning and Development having been affirmed, a petition seeking a similar variance or relief shall not be entertained by the Board of Adjustments until the expiration of a minimum of one year.

12.36-20 APPEAL OF BOARD RULING OR ORDER
Any decision of the Kenosha County Board of Adjustments related to the granting or denial of an appeal or allowance or denial of a variance may be appealed as provided for in section 12.37 of this ordinance.

12.36-21 RECORDING OF RULING OR ORDER (8/6/02)
The Department of Planning and Development shall keep a record and/or map of all such variances which shall be open to the public.

C. <u>JUDICIAL REVIEW</u>

12.37-1 JUDICIAL REVIEW OF FINAL DETERMINATION OF ADMINISTRATIVE APPEAL

(a) Any party to a proceeding resulting in a final determination pursuant to section 12.35-8 of this ordinance may seek review thereof by writ of certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.

(b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting

the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

12.37-2 BOARD OF ADJUSTMENT REVIEWS

(a) Appeal. Any person or persons jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the ground of illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

(b) Certiorari. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, and notice to the board and for good cause shown, grant a restraining order.

(c) Return to Writ. The Board of Adjustment shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decisions appealed from and shall be verified.

(d) Court decision. If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court may be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(e) Costs. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

(f) Representation. The Corporation Counsel's office shall represent the Department of Planning and Development in the appeal of any decision of the Board of Adjustment. Opinions to and representation of the Board of Adjustment shall be limited solely to matters of procedure and not substance by the Corporation Counsel's office.

12.37-3 REMEDIES

Any person aggrieved by the operation of this ordinance may seek judicial relief in the form of declaratory judgments, and petitions for a writ of mandamus along with any and all other remedies available to said individual either at law or in equity. Compliance with this ordinance may also be

enforced by injunctional order at the suit of the county or the owner or owners of real estate affected by such regulation. Forfeitures and penalties shall be in accordance with section 12.33 of this ordinance.

12.37-4 JURY TRIAL

A jury trial may be requested by either party in any action involving an issue of fact relating to the operation of this ordinance.

VIII. AMENDMENTS AND CHANGES

A. GENERAL BOUNDARY AND TEXT AMENDMENTS

12.38-1 INTENT
While it is the intent of this Ordinance to provide stability and regularity in zoning and land use in Kenosha County, it is recognized that zoning is by no means static. It is the intent of this section to recognize that changed or changing conditions call for changed plans, and persons who own property in a particular zone or use district cannot enjoy an eternally vested right to that classification if the public interest demands otherwise.

12.38-2 AUTHORITY AND LIMITATIONS
Whenever the public necessity, convenience and general welfare require, the Kenosha County Board of Supervisors may, by ordinance, amend any part of the Ordinance. Such amendments may include reclassification or rezoning of property, changes in district boundaries, or changes in the text of this Ordinance. Such amendments shall be enacted in accordance with the provisions of the Wisconsin Statutes and this Ordinance. The determination of when the public interest re-quires a change in the zoning ordinance shall remain within the discretion of the Kenosha County Board of Supervisors. Amendments may also be made upon a showing of a mistake or error on the part of the Kenosha County Department of Planning and Development.

12.38-3 INITIATION
A petition for amendment of this Ordinance may be made by any property owner or his agent or any individual having a vested interest in an option or offer to purchase the land in question in the area to be affected by the amendment, by the Town Board of any town wherein the Ordinance is in effect; by any member of the County Board or by the Kenosha County Planning, Development & Extension Education Committee. (11/5/84)

Prior to application, the petitioner shall set up a pre-application conference with Planning and Development staff. This conference is intended to inform the petitioner of the purpose and objectives of these regulations. In so doing, the petitioner and the planning staff may reach mutual conclusions regarding the possible effect of the project on abutting properties and the petitioner will gain a better understanding of subsequent required procedures. (8/6/02)

12.38-4 PETITION (8/6/02)
Petitions for any change or amendment to the district boundaries or amendments to the text of this Ordinance shall be filed with the County Clerk, who shall immediately refer it to the Planning, Development & Extension Education Committee and Department of Planning and Development for its consideration, report and recommendation. Said petition shall describe the premises to be rezoned and the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following: (11/5/84)

(a) Petitioner's name, address, phone number and interest in property. (Owner, broker, etc.)

(b) Existing zoning district

(c) Proposed zoning district

(d) Proposed use (a statement of the type, extent, area, etc. of any development project)

(e) Compatibility with County plans (a statement of conditions warranting a change in zoning)

(f) Compatibility with adjacent lands (a statement of land uses and impact of zoning change)

(g) Legal description of property to be rezoned

(h) Plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties--drawn to scale)

(i) The exact language of any proposed change in the text of this ordinance.

(j) A map plan, when necessary, which accurately locates or describes the proposal with respect to the floodways and floodplains and which provides all pertinent information such as the fill dimensions and elevations, building floor elevations and floodproofing data.

(k) All computations which are required to show the effect of the proposal on flood heights, velocities and floodplain storage for all subdivision proposals and all other proposals if the area affected exceeds five acres or the estimated cost of the proposal exceeds $75,000, which information shall be transmitted to the Department of Natural Resources for review.

(l) Additional information as may be requested by the Kenosha County Department of Planning and Development

(m) The name of the County Supervisor of the district wherein the property is located

(n) Any information required by section 12.05-1 of this ordinance.

(o) The fee specified in section 12.05-8 of this ordinance.

Immediate notice of the petition shall be sent to the County Supervisor of any affected district. All petitions referred under this paragraph shall be brought to the attention of the Kenosha County Board at its next succeeding meeting. At such meeting of the County Board, the petition shall be formally referred directly to the Planning, Development & Extension Education Committee for its consideration, report and recommendations. (11/5/84)

12.38-5 PUBLIC HEARING

Pursuant to Wisconsin Statute 59.69(5)(e)2, upon receipt of such petition by the Planning, Development & Extension Education Committee, said committee shall call a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the County of a Class 2 Notice, under Chapter 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. Additional notices shall be given as required by section 12.39 (Shoreland Amendments), 12.40 (Floodplain Amendments), and 12.41 (Agricultural Preservation District Amendments) and to those persons certified under section 12.38-4(i) of this ordinance. (11/5/84)

12.38-6 TOWN RECOMMENDATIONS AND VETO
Pursuant to Wisconsin Statutes section 59.69(5)(e)3 and amendments thereto, if a Town affected by the proposed amendment, with the exception of Shoreland and Floodplain amendments, disapproves of the proposed amendment, the Town Board of such Town may file a certified copy of the resolution adopted by such Board disapproving of the petition with the Committee prior to, at or within, ten days after the public hearing. If the Town Board of the Town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the Town Boards of a majority of the Towns affected in the case of all other amendatory ordinances file such resolutions, the Planning, Development & Extension Education Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval. (11/5/84)

12.38-7 COMMITTEE RECOMMENDATION
Pursuant to Wisconsin Statute 59.69(5)(e)4 and amendments thereto, as soon as possible after such public hearing, the committee shall act, subject to the provisions set forth in section 12.38-6, on such petition either approving, modifying and approving, or disapproving of the same. If its action was favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating it determination and shall submit such proposed ordinance directly to the county board with its recommendations. If the committee after its public hearing, shall recommend denial of the petition, it shall report its recommendation directly to the county board with its reason for such action. Proof of publication of the notice of public hearing held by such committee and proof of the giving of the notice to the town clerk of such hearing shall be attached to either such report. Notification of town board resolutions filed under subsection 12.38-6 shall be attached to either such report.

12.38-8 COUNTY BOARD ACTION
Pursuant to Wisconsin Statute 59.69(5)(e)5 and amendments thereto, upon receipt of such committee report, the county board may adopt the ordinance as drafted by the Department of Planning and Development or with amendments, or it may deny the petition for amendment or it may refuse to deny the petition as recommended by the committee in which case it shall re-refer the petition to the Planning, Development & Extension Education Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board, which may then adopt or reject such ordinance. (11/5/84)

12.38-9 PROTEST
In case a protest against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board, at which the report of the Planning, Development & Extension Education Committee is to be considered, duly signed and acknowledged by the owners of 50 per cent or more of the area proposed to be altered, or by abutting owners of over 50 per cent of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the Planning, Development & Extension Education Committee has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded. (11/5/84)

12.38-10 EFFECTIVE DATE
Pursuant to Wisconsin Statute 59.69(5)(e)6 and amendments thereto, if any such amendatory ordinance makes ONLY THE CHANGE SOUGHT IN THE PETITION AND IF THE PETITION WAS NOT DISAPPROVED AT OR WITHIN 10 DAYS AFTER THE PUBLIC HEARING BY THE TOWN BOARD of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The County Clerk shall record in his office the date on which such ordinance becomes effective and shall notify the town clerk of all towns affected by such ordinance of such effective date and also insert such effective date in the proceedings of the county board.

Any other such amendatory ordinance when so adopted shall within seven days thereafter be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by such ordinance are located. If after 40 days from the date of such adoption a majority of such towns have not filed the certified copies of resolutions DISAPPROVING such amendment with the county clerk or if, within a shorter time, a majority of towns in which the ordinance is in effect have filed certified copies of resolutions APPROVING the amendment with the county clerk, the amendment shall thereupon be in effect in all of the towns affected by the ordinance.

Any such ordinance relating to the LOCATION OF BOUNDARIES OF DISTRICTS shall within seven days after adoption by the county board be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by the change are located and shall become effective 40 days after the adoption of the ordinance by the county board unless such town board prior to such date files a certified copy of a resolution disapproving of such ordinance with the county clerk. If such town board approves the ordinance, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the county clerk. The county clerk shall record in his office the date on which such ordinance becomes effective and shall notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the county board, which report shall be printed in the proceedings of the county board.

B. <u>SHORELAND AMENDMENTS</u>

12.39-1 PROCEDURE
Pursuant to Wisconsin Statutes section 59.691, amendments affecting shoreland areas shall be governed by the procedures heretofore set forth with the exception that said amendments shall not require approval or be subject to disapproval by any town or town board.

12.39-2 AMENDMENTS TO LANDS IN THE SHORELAND JURISDICTION OF THIS ORDINANCE (11/5/86)

(a) Notice to DNR. The County shall transmit a notice of any change (text or map) to the shoreland provisions of this ordinance to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

1. A copy of every petition for a text or map change mailed within five days of filing with the County Clerk
2. At least 10 days prior notice of any public hearing on any Shoreland amendment.
3. Notice of a County Planning, Development & Extension Education Committee recommendation no later than 10 days following the recommendation.
4. Notice of a County Board decision no later than 10 days following the decision.

(b) Review Standards for C-1 Changes. No wetland in a Shoreland C-1 District shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, otherwise drain into navigable waters; shoreland protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103 Wis. Adm. Code.

(c) DNR Objections. If the DNR has notified the County Planning, Development & Extension Education Committee that an amendment to the shoreland portion of the C-1 District may have a significant adverse impact upon any of the criteria listed in paragraph (b) above, then that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."

C. FLOODPLAIN AMENDMENTS

12.40-1 AMENDING FLOODPLAIN LIMITS (6/12/12)
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 s. 12.40-2.

(a) 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 s.12.40-2. Any such alterations must be reviewed and approved by FEMA and the DNR.

(b) 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 12.40-2.

12.40-2 ACTIONS REQUIRING FLOODPLAIN AMENDMENT (6/12/12)
The Department of Planning and Development shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in 12.40-3 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(c) Any changes to any other officially adopted floodplain maps listed in 12.02-13)(c);

(d) 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;

(e) Correction of discrepancies between the water surface profiles and floodplain maps;

(f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

(g) 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 FIRM requires prior approval by FEMA.

12.40-3 PROCEDURES TO AMEND FLOODPLAIN LIMITS (6/12/12)
Ordinance amendments may be made upon petition of any party according to the provisions of s.59.69, Stats. The petitions shall include all data required by 12.05(1)h. The Zoning Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(a) No amendments shall become effective until reviewed and approved by the DNR.

(b) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, 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 governing body

(c) All proposed amendments shall be referred to the Department of Planning and Development for a public hearing and recommendation to the Kenosha County Planning, Development & Extension Education Committee and the Kenosha County Board of Supervisors which shall approve or disapprove the proposed amendment. (11/5/84) The amendment and notice of public hearing shall be submitted to the DNR's Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions s. 59.69, Stats.

12.40-4 FLOODPLAIN BOUNDARY CHANGES LIMITED (6/12/12)
The county board shall not permit changes to the floodplain that are inconsistent with the purpose and intent of this ordinance; or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources, (DNR) and the Federal Emergency Management Agency, (FEMA). In addition:

(a) Changes in the FPO Floodplain Overlay District ~~and FWO Camp Lake/Center Lake Floodway Overlay District~~ boundaries shall not be permitted where the change will increase the flood stage elevation by 0.00 foot or more unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the

stage increase, in accordance with 12.40-1 and 12.40-2 above. Petitions for FPO Floodplain Overlay District ~~and FWO Camp Lake/Center Lake Floodway Overlay District~~ changes shall show the effects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevations. It shall be the policy of the county board of supervisors that any area removed from the FPO Floodplain Overlay District shall create an equivalent area and volume of floodplain in the vicinity of the removal.

(b) Removal of land from the floodplain shall not be permitted unless the land has been filled to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood and provided that such land is contiguous to lands lying outside of the floodlands, in accordance with 12.40-3.

(c) No river or stream or watercourse shall be altered or relocated until a floodplain zoning change has been applied for and granted in accordance with the requirements of this section, and until the town in which the change is located and all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of within the altered or relocated portion of the watercourse shall be maintained.

(d) A copy of all notices for amending the floodplain provisions of this ordinance or the floodplain maps shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). No amendment to the floodplain boundaries or regulations shall be effective until approved by the DNR. The amendment procedure shall comply with the provisions of s. 59.69.

~~**D. A-1 AGRICULTURAL PRESERVATION DISTRICT AMENDMENTS**~~

~~12.41-1 STANDARDS FOR AMENDING AREAS ZONED FOR AGRICULTURAL PRESERVATION~~
~~The county board of supervisors may approve petitions for rezoning areas out of a farmland preservation zoning district only after findings are made based upon consideration of the following pursuant to Wisconsin Statutes section 91.48 and amendments thereto:~~

~~(a) The land is better suited for a use not allowed in the farmland preservation zoning district.~~

~~(b) The rezoning is consistent with the current Kenosha County Comprehensive Plan.~~

~~(c) The rezoning is substantially consistent with the current Kenosha County Farmland Preservation Plan.~~

~~(d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.~~

~~12.41-2 STATE NOTIFICATION~~
~~The Kenosha County Department of Planning and Development shall notify the Department of Agriculture, Trade and Consumer Protection and Agricultural Lands Preservation Board of all rezoning and amendments under this section.~~

E. ANNEXED LANDS

12.42-1 PROCEDURE

When any lands previously under the jurisdiction of this ordinance have been finally removed from the jurisdiction of this ordinance by reason of annexation to an incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in Wisconsin Statute 59.69(7), the County Board, may, on the recommendation of its Planning, Development & Extension Education Committee, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided above, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the County Clerk to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede section of the Wisconsin Statutes relating to widening of highways and the establishment of excessive highway widths. (11/5/84)

12.42-2 CONTINUED EFFECT OF ORDINANCE

Pursuant to Wisconsin Statue section 59.69(7), whenever any area which has been subject to this ordinance petitions to become part of a village or city, the regulations imposed by this ordinance shall continue in effect, without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

F. REZONING OF COUNTY OWNED LANDS

12.43-1 PROCEDURE

Pursuant to section 59.69(9) of the Wisconsin Statutes and amendments thereto, the county board may, by ordinance, rezone any lands owned by the county without the necessity of securing the approval of the town boards of the towns wherein such lands are situated and without following the procedures outlined above, provided that the county board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in five public places in the town.

APPENDIX "A"---DEFINITIONS (6/12/12)

A ZONES
Areas of potential flooding shown on the County's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be 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.

ABANDONMENT (8/9/94)
With respect to quarrying and nonmetallic mining operations, "abandonment" means the cessation of quarrying or other nonmetallic mining operations for more than 240 consecutive days, except when the cessation is specifically provided for in the operator's permit, or in an operations plan approved and incorporated by reference in the permit, or by written order issued by the Kenosha County Planning, Development & Extension Education Committee upon good cause shown. Abandonment does not include any period of cessation of operations due to labor strikes, natural disasters or other similar extraordinary causes beyond the control of the operator (but this exception does not include business reversals, competitive forces, market conditions, shortage of cash, or other similar reasons).

ABUTTING PROPERTY OWNERS
Property owners having a common boundary or property owners on either side of a public thoroughfare.

ACCESS
A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

ACCESS AND VIEWING CORRIDOR
A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY BUILDING OR USE
A building or use which:
(1) Is or will be subordinate to and serves a principal building or principal use;
(2) Is or will be subordinate in area, extent, or purpose to the principal building or principal use served;
(3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and
(4) Is or will be located on the same zoning lot as the principal building or principal use.
(5) Is detached from the principal structure. (11/5/86)

ACCESSORY LIVING UNIT
A separate living area established within and clearly subordinate to a single-family dwelling being part of the same structure provided it is occupied by a resident related through blood, marriage or adoption to the resident occupant of the single-family dwelling.

ADDITION

Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

ADJACENT; ADJOINING
Nearby, but not necessarily touching.

ADJACENT GRADE
The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AIRPORT, PUBLIC OR PRIVATE
Any airport which complies with the definition contained in section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

AIRSTRIP OR LANDING FIELD
Any land intended for the landing or take-off of aircraft.

ALLEY
A public highway which is a narrow way, less in size than a street, and which is not designed for general travel; which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

ALTERATIONS
A physical change in a building or an addition to it. As applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

AMENITY
Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. It may include such things as a unified building design, recreational facilities, such as swimming pools or tennis courts, security systems, views, landscaping or tree preservation, or attractive site design.

ANIMAL HOSPITAL
A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

ANIMAL UNIT
One animal unit shall be defined as being the equivalent of the following: one 1,000-pound steer; one dairy cow; four swine; ten sheep; 100 laying hens; 100 broilers; one horse; or 100 turkeys.

APARTMENT

A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.

APARTMENT, EFFICIENCY
A dwelling unit of not more than one room in addition to kitchen and bath and intended primarily as a residence for a single person.

APARTMENT HOTEL
A building or portion thereof used for or containing both individual guest rooms and dwelling units designed for more or less temporary occupancy.

APARTMENT HOUSE
A building or that portion thereof containing more than four dwelling units or efficiency apartments.

ARCHITECTURAL STYLE (9/5/06)
The characteristic form and detail of building design based on a particular historic period.

AREA
Synonymous with the word "tract", which is "a piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained."

DEVELOPABLE NET ACRE
Those lands within a development parcel remaining after the deletion of floodlands, wetlands, land densely covered with trees and shrub growth on slopes of 12 percent or greater, all lands having slopes of 20 percent or greater, and all lands proposed for commercial or business land uses.

ASSESSED VALUE
The full market value placed upon the structure or lot by the Kenosha County Assessor as of the date that the non-conformity came into being, that is, the effective date of this ordinance or amendment thereto. Such valuation by the county assessor shall be prima facie evidence of the assessed value of the structure or lot.

AUTOMOBILE WRECKING YARD
Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

~~**AWNING/CANOPY (8/6/02)**~~
~~A self-supporting roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.~~
AWNING
A movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

BACK LOT DEVELOPMENT (6/2/92)

Back lot development, also known as "lot pyramiding", "keyhole development", and "development funneling" is the practice whereby a lot, outlot, or common open space is used for waterfront access by a large number of parcels built away from the water body. In many cases, a common road or drive leads to a pier or beach. This practice is viewed by many as crowding more development onto a body of water than would otherwise occur with individual waterfront lots, thus altering the appearance and quality of development on the body of water.

BALCONY (8/6/02)
A platform extending from a wall at a non-ground floor level without ground supports.

BASE FLOOD
Means the flood having a one 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 ELEVATION (BFE)
The computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles

BASEMENT
An area below the first floor, having part but no more than one-half of its height above grade.

BAY/BOX/BOW WINDOW (8/6/02)
A window structure projecting from the wall of a building which does not add floor space to the building and which does not have a foundation.

BED AND BREAKFAST ESTABLISHMENT (8/9/94)
Any place of lodging that provides four (4) or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

BENCHMARK
Identification symbols from which differences of elevation are measured.

BILLBOARD
A structure used for an outdoor display for the purpose of making anything known.

BOARDINGHOUSE
A building other than a hotel, where lodging and meals for five or more persons are served for compensation. A boardinghouse may also include the dwelling unit occupied by the owner or operator.

BOATHOUSE
Any permanent accessory building used for the storage of watercraft and water-associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts. A boathouse is a non-habitable structure and shall be designed and used exclusively for marine equipment, no fireplaces, patio doors, plumbing, heating, air conditioning, cooking facilities or other features inconsistent with the use of the structure exclusively as a boathouse shall be allowed.

BUILDING

Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

BUILDING AREA (8/6/02)
See "Floor Area".

BUILDING ENVELOPE
The three-dimensional space within which a structure is built.

BUILDING, FRONT OF
That side of a building which faces the principal road, street, highway or way serving the same.

BUILDING LINE
A line between which and any street line, no building or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this ordinance equivalent to a setback line.

BUILDING SETBACK LINE
The line nearest the street and across a lot establishing the minimum open space to be provided between buildings and specified structures and street lines.

BUILDING, NONCONFORMING
A legally existing building which fails to comply with the regulations (for height, number of stories, size, area, yards, and location) set forth in this ordinance applicable to the district in which this building is located.

BUILDING, PRINCIPAL
A building in which is conducted the principal use of the lot on which it is situated.

BULKHEAD LINE
A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to section 30.11 of the Wisconsin Statutes. Filling and development is only permitted between the bulkhead line and the original ordinary high water mark. (11/5/86)

BUSINESS; BUSINESS USE
Necessarily imply employment of one or more persons for the purpose of earning a livelihood, activities of persons to improve their economic conditions and desires, and generally relate to commercial and industrial engagements.

CAMP GROUND
Any area or tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers, or other camping outfits.

CAMP LAKE/CENTER LAKE AREA (3/1/94)

That portion of Kenosha County located within the following U.S. Public Land Survey Quarter-Sections of Township 1 North, Range 20 East, ~~Town~~ Village of Salem Lakes:

Quarter-Sections	Section
NE, NW, SW	15
SE	16
SE	20
NE, NW, SE, SW	21
NW	22
NE, NW, SE, SW	28
NE, NW, SE, SW	29
NE, NW, SE, SW	32
NE, NW, SE, SW	33

~~Quarter-Sections Section~~
~~NE, NW, SW 15~~
~~SE 16~~
~~SE 20~~
~~NE, NW, SE, SW 21~~
~~NW 22~~
~~NE, NW, SE, SW 28~~
~~NE, NW, SE, SW 29~~
~~NE, NW, SE, SW 32~~
~~NE, NW, SE, SW 33~~

CANOPY
Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.

CARPORT
A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this ordinance, a carport shall be considered to be the equivalent of a garage.

CARWASH
Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.

CEMETERY
Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF COMPLIANCE

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

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

CHANNELING
The act or action which results in an interconnection of two bodies of water, usually navigable by surface craft.

CHILD CARE CENTER
Any establishment which provides shelter, care, activity and supervision (with or without academic instruction) for five or more unrelated children or children who are not the legal wards or foster children of the attendant adult between the hours of 7 A.M. and 7 P.M.

CHURCH
A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC
A place for the medical or similar examination and treatment of persons as outpatients.

CLOSED CUP FLASH POINT
The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below 175oF. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175oF and 350oF.

CLUB OR LODGE
Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

CLUSTER DEVELOPMENT (8/6/02)
A form of residential development that concentrates buildings or lots in one or more parts of the site to allow the remaining lands to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

CLUSTER GROUP (8/6/02)
A group of single-family detached dwellings within a cluster development, surrounded by common open space. The outer boundary of a cluster group is defined by the lot lines or the lots within the group, including the street fronting on and providing access to those lots.

COLONIAL ARCHITECTURAL STYLE (9/5/06)

Style of residence of which one of the features is to have an eave less than twelve (12) inches. Colonial includes Cape Cod Colonial, Colonial Revival, Georgian Colonial, Neo-Colonial, New England Colonial, Salt Box Colonial and Southern Colonial.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES (8/6/02)
Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

COMMON ELEMENT (8/6/02)
The common facilities in a condominium.

COMMON FACILITIES (8/6/02)
All the real property and improvements set aside for the common use of and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, trails, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities, and which are designated in the master deed as common elements.

COMMON OPEN SPACE (8/6/02)
Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

COMMUNICATION TOWER (8/6/02)
Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

COMMUNITY ASSOCIATION (8/6/02)
A condominium or homeowner's association

COMMUNITY CENTER
A building, together with lawful accessory buildings and uses, used for recreational and cultural activities, etc., and not operated for profit.

COMMUNITY LIVING ARRANGEMENTS
Any facility falling within the definition of section 46.03(22) of the Wisconsin Statutes.

CONDITIONAL USE
Uses of a special nature as to make impractical their predetermination as a principal use in a district. (11/5/86)

CONDOMINIUM (8/6/02)

Property subject to a condominium declaration established in accordance with the requirements of the "Condominium Ownership Act," Chapter 703 of the Wisconsin Statutes. Condominium is a legal form of ownership of real estate and not a specific building type or style.

CONDOMINIUM ASSOCIATION (8/6/02)
A community association, incorporated or unincorporated, whose membership consists of owners of dwelling units in a condominium, which combines individual unit ownership with shared use and ownership of common property or facilities. The association is responsible for maintaining the common facilities and delivering services, but does not own the common facilities.

CONSERVATION STANDARDS
Guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the USDA Natural Resources Conservation Service for Kenosha County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

CONVERSION
Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or room units.

COUNTY ZONING AGENCY
"County zoning agency" means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

COURT
An open space which may or may not have street access, and around which is arranged a single building or group of related buildings.

COURT, INNER
That portion of a lot unoccupied by any part of a building, surrounded on all sides by walls, or by walls and a lot line.

COURT, OUTER
That portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

CRAWLWAYS OR "CRAWL SPACE"
An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DAY CARE CENTER
See "Child Care Center".

DAY NURSERY
See "Child Care Center".

DECIBEL

A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DECK (8/6/02)
An uncovered and unenclosed exterior structure with no roof or walls and primarily constructed of wood or composite material, with or without footings, which allows the infiltration of precipitation through spaces between individual floor boards.
~~A structure being a level surface(s) consisting of wood constructed with or without footings provided that no fixed walls or roof shall be erected on or over any deck that is located in a required yard.~~

DEED RESTRICTION (8/6/02)
A restriction upon the use of a property set forth in the deed.

DENSITY (GROSS) (8/6/02) FOR USE IN 12.26-6 ONLY
The number of dwelling units per acre resulting from taking the number of dwelling units to be built upon a tract of land and dividing it by the total number of acres. Gross density makes no allowance or accounting for infrastructure, such as streets, parks and other non-residential uses, upland primary environmental corridors; or unbuildable lands, such as floodlands, wetlands, and lands having slopes of 20 percent or greater.

DENSITY (NET) (8/6/02) FOR USE IN 12.26-6 ONLY
The number of dwelling units per acre resulting from taking the number of dwelling units to be built upon a tract of land and dividing it by the total number of acres excluding street rights-of-way, non-residential uses, upland primary environmental corridors, isolated natural areas and all lands having slopes of 20 percent or greater.

DEVELOPMENT
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.

DIRECTLY OPPOSITE
Those tracts of land on opposite sides of the street with only the street intervening.

DISTRICT
A part or parts of the county for which the regulations of this ordinance governing the use and location of land and buildings are uniform.

DISTRICT, BASIC (8/6/02)
A part or parts of the County for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the residential, commercial, and industrial district classifications).

DISTRICT, OVERLAY
Overlay districts allow for superimposing certain additional requirements or uses upon a basic zoning district which are compatible with the basic district. If there are conflicting requirements, those which are stricter shall apply.

DITCHING
The process of excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conductance of waters.

DOG KENNEL
A facility for the keeping or boarding of more than four (4) dogs over six (6) months of age.

DOMESTIC SERVANT
A person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person, and no member of the family of any person, who pays rent for himself or his family shall be deemed the domestic servant of the person to whom such rent is paid.

DORMITORY
A building or portion thereof used for sleeping purposes in connection with a school, college or other institution.

DRAIN
A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

DRAIN TILE LANE
The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around the building foundations.

DRAINAGE BASIN
The geographic area the general configuration of which causes surface waters to flow in a specified direction, the area, contained by a naturally defined watershed, draining all surface waters.

DRAINAGE SYSTEM
One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge. (11/5/86)

DNR
The Wisconsin Department of Natural Resources.

DRAINAGEWAY
Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes in which waters flow in a definite direction or force, either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

DREDGING
The process of which bottom materials are removed from bodies of water for the purposes of deepening the body of water.

DRIVE-IN
A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

DRY LAND ACCESS (3/1/94)
A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

DUMP
A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DUPLEX
A building designed and/or used exclusively for residential purposes and containing two dwelling units separated by a common party wall or otherwise structurally attached.

DUSTFALL
The rate that particulate matter collects in an open jar for a 30-day period, expressed as tons per square mile per month. Procedures and equipment for the measurement of such shall be as standardized by the American Society for Testing and Materials.

DWELLING, RESIDENTIAL (9/5/06)
A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels, lodging-houses, boardinghouses or tourist homes.

DWELLING, ATTACHED
A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING, DETACHED
A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

DWELLING, SEMI-DETACHED
A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

DWELLING, SINGLE-FAMILY (9/5/06)
A residential dwelling consisting of one (1) dwelling unit designed for, converted to, and/or occupied by one (1) family and not attached to another dwelling unit. For the purposes of this chapter, a single-family dwelling shall include conventional site built, modular and manufactured homes (not located in a

Mobile Home/Manufactured Home Park/Subdivision District) and shall comply with the building, height, area and design standards delineated in the single-family residential districts. For the purposes of this chapter, a single-family dwelling does not include a mobile home or a manufactured home (located in a Mobile Home/Manufactured Home Park/Subdivision District).

DWELLING, TWO-FAMILY
A detached or semi-detached building used for residential occupancy by two families living independently of each other.

DWELLING, MULTIPLE
A building or portion thereof used for occupancy by three or more families living independently of each other, and doing their own cooking in the building including apartments, group houses, and row houses.

DWELLING, GROUP
A single-family dwelling and one or more other single family or duplex dwellings located on a lot.

DWELLING, ROW HOUSE OR TOWN HOUSE
One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.

DWELLING UNIT
Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

EARNS A SUBSTANTIAL PART OF HIS OR HER LIVELIHOOD FROM THE FARM OPERATION.
Twenty-five percent of the annual gross income is earned from direct farm labor.

EARTH MOVING
Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and the voiding of soils of vegetated cover so as to make the same soil susceptible to erosion.

EARTH REMOVAL
The removal or extraction of any stone, sand, gravel, loam, topsoil, or other earth or earth product from a lot or parcel of land, except where such removal is for the purpose of grading a lot upon which a building is to be erected, a roadway to be built, or a platting thereof to be made.

EARTHBORNE VIBRATIONS
Describes a cyclic movement of the earth due to energy propagation.

EASEMENT
A right given by the owner of land to another party for specific limited use of that land.

EASEMENT, CONSERVATION (8/6/02)
The grant of a property right or interest from one property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

EASEMENT OF RECORD (8/6/02)
An access easement for ingress and egress to a parcel recorded in the County Register of Deeds office prior to the effective date of this Ordinance.

EAVE (9/5/06)
The projecting lower edges of a roof, not including the roof gutter, overhanging the vertical wall of a building.

EFFICIENECY KITCHEN
A small kitchen, also referred to as a kitchenette, usually consisting of a refrigerator, microwave or hotplate and sink.

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.

ELECTRONIC MESSAGE CENTER (EMC)
A type of changeable copy sign that utilizes computer-generated messages or some other electronic means of changing copy, but not including video. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

EMERGENCY SHELTER
Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

ENLARGEMENT, OR TO ENLARGE
An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

ENLARGEMENT OF A QUARRY OR NONMETALLIC MINING OPERATION (8/9/94)
Any vertical or horizontal increase in the mined area or the area occupied by or utilized in connection with any of the operations or related activities.

EROSION
The process by which the ground surface is worn away by action of wind or water.

ESSENTIAL SERVICES
Services provided by public and private utilities, necessary for the exercise of the principal, accessory or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants but not including buildings.

EXCAVATION

The act by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXCEPTION
The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is permissible by reason of special provisions of this ordinance, or for which a special permit may be issued by the Department of Planning and Development or the board of adjustment, under conditions specified in this ordinance. Same as a conditional use.

EXPRESSWAY
A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

EXISTING DEVELOPMENT PATTERN
Means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

EXTEND
Implies increase or amplification as distinguished from inception.

EXTENSION, OR TO EXTEND
An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

EXTERIOR WALL SURFACE
The most exterior part of a wall, sun screen or any screening or material covering a building.

FAMILY (8/6/02)
One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit based on an intentionally structured relationship providing organization and stability; provided that a group of more than four persons who are not related by blood, marriage, adoption or guardianship shall not be deemed to constitute a family. This does not exclude community living arrangements or foster family homes in conformance with all state statutory requirements.

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.

FARM OPERATOR (8/9/94)
Any person who owns land and raises crops or livestock on that land; or a person who rents land to another for agricultural purposes and lives on the land having day-to-day contact with the farm operation; or a person who lives on the land that he or she has historically farmed. For the purpose of

this Ordinance, any person who has farmed land for five (5) consecutive years is deemed to have farmed it historically.

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 crops.

FARMSTEAD (8/6/02)
A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

FEDERAL EMERGENCY MANAGEMENT AGENCY (3/1/94)
The federal agency which administers the National Flood Insurance Program. This agency was formerly known as the Federal Insurance Administration (FIA) and was part of the U.S. Department of Housing and Urban Development (HUD).

FEEDLOT, COMMERCIAL
The following facilities shall be considered feedlots: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; (2) 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; (3) 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 30 days or more.

FENCE
A structure for enclosure or screening.

FILL (CLEAN)
Clean fill is "uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, for fill, reclamation or other beneficial use". Concrete containing wire mesh or rebar may be considered as clean fill. However, exposed rebar should be removed to the maximum extent possible (any rebar or wire mesh sticking out of the concrete, must be shorter than two (2) inches) before use in order to prevent a public nuisance or health and safety hazard. Broken concrete placed in the shoreland must be buried with soil capable of establishing permanent vegetation.

FILLING
Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported and shall include the condition resulting therefrom.

FLOATING ZONE
A special detailed use district of undetermined location, a district in which the proposed kind, location, size, and form of structures must be preapproved, and which, like a special exception use, is legislatively predeemed compatible with the areas in which it may thereafter be located on a particular application, provided specified standards are gratified and actual incompatibility is not revealed. Same as overlay district.

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 INSURANCE RATE MAP (FIRM)
A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency

FLOOD INSURANCE STUDY
An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.

FLOOD FREQUENCY (3/1/94)
The probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. 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 PROFILE
A graph showing the relationship of the flood water, surface elevation for a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

FLOOD PROTECTION ELEVATION
A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "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 flood water surface above an officially established datum plain. In Southeastern Wisconsin, it is recommended that the datum plain used be Mean See Level, 1929 Adjustment.

FLOODLANDS (3/1/94)
For the purpose of this Ordinance, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of this Ordinance, the floodlands are divided into the Floodplain Overlay District, the Camp Lake/Center Lake Floodway Overlay District, and the Camp Lake/Center Lake Floodplain Fringe Overlay District.

FLOODPLAIN

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

FLOODPLAIN FRINGE (3/1/94)
Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Ordinance, the floodplain fringe is included in the Camp Lake/Center Lake Floodplain Fringe Overlay District.

FLOODPLAIN ISLAND (3/1/94)
A natural geologic land formation within the floodplain (floodlands) that is surrounded, but not covered, by floodwater during the occurrence of the regional flood.

FLOODPROOFING
Any combination of structural and non-structural additions, changes or adjustments which reduce or eliminate flood damage to unimproved and improved real estate, water and sanitary sewer facilities, structures and their contents. (See also Section 12.12-4(1) of this Ordinance). (2/6/90)

FLOOD PROTECTION ELEVATION
An elevation of two 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.

FLOOR AREA
The sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities. See also "Ground Floor Area".

FLOOR AREA--BUSINESS, COMMERCIAL AND INDUSTRIAL BUILDINGS
For the purpose of determining off-street parking and off-street loading requirements. The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However,

floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

FLOOR AREA--GROSS
The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment--open or closed--located on a roof or basement), penthouses, attic space having a head room of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

FLOOR AREA RATIO
The total floor area on a zoning lot, divided by the lot area of that zoning lot.

FOOT CANDLE
A unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candle power.

FOSTER HOME
Any home licensed as such by the State Department of Health and Social Services.

FRATERNITY
A body of men associated for their common interest, business, or pleasure.

FRATERNITY OR SORORITY HOUSE
A building containing no more than one (1) dwelling unit and more than two (2) rooming units or guest rooms. Such rooming units or guest rooms shall be for residential purposes only.

FREE BURNING
Implies a rate of combustion described by a material which burns actively, and easily supports combustion.

FREEBOARD (3/1/94)
A flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of a river or stream bed.

FREEWAY
An expressway with full control of access and with fully graded separated intersections.

FREIGHT FORWARDING SERVICE (8/9/94)
Establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire route, which may involve the use of multiple carriers and transportation establishments in effecting delivery. A freight forwarding service may provide for temporary storage of goods in a delivery vehicle while such vehicle awaits pick-up by another carrier.

FREQUENCY
Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONT; FRONTAGE
That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

FUNERAL HOME
A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

FUR FARM
Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in section 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 building for the storing of motor vehicles.

GARAGE, ATTACHED
A private garage which has a roof or wall, or a major portion of a roof or wall, in common with a dwelling. Where the garage is attached to a dwelling in this manner, it shall be subject to all yard requirements of the main building.

GARAGE, PARKING
A building or portion thereof designed or used for the temporary storage of motor driven vehicles, with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

GARAGE, PRIVATE
A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one per family housed in the building to which such garage is accessory, whichever is the greater, and not more than one-third the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three vehicles may be rented for vehicles of other than occupants of the building to which such garage is accessory.

GARAGE, PUBLIC
A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

GARAGE, STORAGE

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding 5 tons capacity shall be stored in any storage garage.

GARDEN APARTMENT
A multiple family dwelling which shall not exceed four stories in height.

GASOLINE STATION
Includes not only the building provided for repair work, the storage of supplies, and the use and shelter of the operatives, but also tanks, pumps, structures, and filling stations for business purposes and the supplying of gas, fuel, and oil for automobiles of the general public. It also includes, of necessity, suitable approaches and exits at substantially the level of the street.

GAZEBO
A freestanding structure (similar to a detached open patio cover), with a pitched roof design, having a maximum height of 15 feet, and a maximum area of 150 square feet, and shall be designed for recreational use only and not for habitation.

GIFT STORES
Retail stores where items such as art, antiques, jewelry, books and notions are sold.

GOLF COURSE
A comparatively large unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

GRADE
In cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

GRADING
Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

GREEK REVIVAL ARCHITECTURAL STYLE (9/5/06)
Style of residence of which one of the features is to have an eave less than twelve (12) inches.

GROUND FLOOR AREA
The square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

GROUND SIGNS
Includes billboard signs and any other sign secured to the ground and not to a building except tower signs.

GROUP HOME

Any home licensed as such by the State Department of Health and Social Services.

GUEST HOUSE
Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters not rented or otherwise used as a separate dwelling.

GUEST ROOM
A room in a hotel, motel, or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

HABITABLE BUILDING/STRUCTURE/MOBILE HOME/MANUFACTURED HOME (3/1/94)
Any building, or portion thereof, used for human habitation (living, sleeping, eating or cooking).

HALFWAY HOUSE--GROUP HOME
A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); shelter, supervision and residential rehabilitative services are provided and the home is licensed to operate as such by the State Department of Health and Social Services.

HEARING NOTICE
Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HEIGHT OF BUILDING (8/6/02)
The vertical distance from the grade at the front of a building to the highest point of the coping of a flat roof between the eaves and a ridge or to the deck line of a mansard roof or the average height between the plate and ridge of a gable, hip, or gambrel roof. ~~For accessory buildings, the height of the building is the vertical distance from average grade to the highest point of the building.~~

HELIPORT
An area used or to be used for landing or take-off of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

HISTORIC STRUCTURE
Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

HOME FOR THE AGED/HOUSING FOR THE ELDERLY
A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance due to age with everyday activities of living in a protected environment.

HOME OCCUPATION OR PROFESSION
Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade and no outside storage of equipment upon the premises.

HOMEOWNERS ASSOCIATION (HOA) (8/6/02)
A community association, incorporated or unincorporated, combining individual home ownership with shared use or ownership of common property or facilities. The association is responsible for maintaining the common facilities and delivering services, but may or may not own the common facilities.

HOSPITAL
An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

HOTEL
A building containing 20 or more individual sleeping rooms or suites, having each a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms is made through an inside office or lobby supervised by a person in charge at all hours. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted.

HOUSE TRAILER
A vehicular portable dwelling unit designed especially for short term occupancy; such as travel trailers, campers, house boats, converted buses and other similar units whether self-propelled, pulled or hauled and are designed primarily for highway travel.

~~**HOUSEHOLD STABLE (8/6/02)**~~
~~An accessory building and/or land use that is designed, arranged, used, or intended to be used for the keeping of not more than (2) two equines for the private use of the occupants of a principal dwelling and their guests but in no event for hire. Boarding is prohibited.~~

HUSBANDRY
The cultivation or production of plants and animals (livestock) and/or the by-products thereof.

ILLEGAL USE
As any use, whether of a building or other structure, or of a tract of land, or body of water in which a violation of any provision of this ordinance has been committed or shall exist.

IMPACT NOISE
A short-duration sound which is incapable of being accurately measured on a sound level meter.

IMPERVIOUS SURFACE
An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

IMPROVEMENT
Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment including street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and trees.

IMPULSIVE NOISE
A sound which is no longer than two (2) seconds in duration, followed by no less than a two-second rest.

INCREASE IN REGIONAL FLOOD HEIGHT
A calculated upward rise in the regional flood elevation 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.

INDOOR RIDING ARENA (PRIVATE) (8/6/02)
See Riding Stable (Private)

INDOOR RIDING ARENA (PUBLIC) (8/6/02)
See Riding Stable (Public)

INSTITUTION
A nonprofit establishment for public use.

INSTITUTIONAL HOME
A place for the care of babies, children, pensioners or the elderly.

INTENSE BURNING
Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

INTERCHANGE
A grade separated intersection with one or more turning lanes for travel between intersection lanes.

INTERSECTING STREET
Any street or public way or court, 30 feet or more in width, which joins another at an angle, whether or not it crosses the other.

JUNK
Includes without limitation due to enumeration scrap iron, scrap tin, scrap brass, scrap cooper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or air-plane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

JUNK MERCHANT
Any person, firm, or corporation engaged in the business of buying, selling, exchanging, or dealing in old junk, metals, bottles, siphons, old rope, old iron, brass, copper, tin or lead, secondhand plumbing materials, secondhand gas and electric fixtures, old rubber tires or other used or old articles commonly designated as "junk", and having a store, stand, or place of business.

JUNKYARD
A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, wrecked or dismantled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

KENNEL
Any lots or premises on which four or more dogs or cats, or both, at least four months of age are kept, boarded, or trained, whether in special structures or runways or not.

KITCHEN
Any room used for the preparation of foods and containing all of the following equipment: sink, stove/oven and refrigerator.~~Any room used, intended to be used or designed to be used either wholly or partly for cooking and/or the preparation of food.~~

LABORATORY
A building or part of a building devoted to the testing and analysis of any product or animal (including humans) or to the development of and fabrication of preliminary or pilot models. Also includes a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. No manufacturing is conducted on the premises except for experimental or testing purposes.

LAGOON

A water body in a depression that of an off-shore bar, a beach ridge, or shore dune, with those geomorphic features, either natural or man-made, acting as barriers or dams. Also, a shallow pond, channel, or impoundment connected to a larger body of water.

LAGOONING
The act of creating a lagoon.

LAND USE
Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LANDFILL
See "Sanitary Landfill".

LAND LINE
Section lines, half-section lines, quarter-section lines, and other property lines established by meets and bounds outside the boundaries of reported land subdivision plats.

LANDSCAPED AREA
An area that is permanently devoted and maintained to the growing of trees, shrubbery, grass and other plant material.

LANDSCAPING
The improvement of a lot, parcel of tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural objects designed and arranged to produce an aesthetically pleasing effect.

LAUNDROMAT
A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEAST RESTRICTIVE DISTRICT
Agricultural Districts are less restrictive than Residential Districts
Residential District are less restrictive than Business Districts
Business Districts are less restrictive than Manufacturing Districts
Manufacturing Districts are less restrictive than Institutional Districts
Institutional Districts are less restrictive than Conservancy Districts
Conservancy Districts are less restrictive than Overlay Districts

LEGALLY EXISTING
See 12.28-2(b).

LETTER OF MAP AMENDMENT (LOMA) (3/1/94)
Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

LETTER OF MAP REVISION (LOMR) (3/1/94)

Official notification from the Federal Emergency Management Agency (FEMA) that a municipality's Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended. A LOMR is issued when the revised map is not republished.

LIBRARY
A place in which books, manuscripts, musical scores or other literary and artistic materials are kept for use and only incidentally for sale.

LIVESTOCK-ANIMAL
Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.

LIVING QUARTERS (9/5/06)
One or more rooms in a building designed for occupancy by one or more persons for living and/or sleeping.

LIVING ROOMS
All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

LOADING AREAS
A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.

LOADING SPACE
An off-street space, at least 10 feet by 50 feet with a minimum height clearance of 14 feet, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LODGINGHOUSE
A building other than a hotel, where lodging, without meals, for five or more persons is provided for compensation.

LOT
For the purpose of the Kenosha County Zoning Ordinance, a lot shall be defined as a tract of land on which a principal building and its accessory building(s) are or may be placed, together with the required open spaces. ~~No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area except in the A-1, A-2, A-3 and A-4 Agricultural Districts.~~

LOT AREA
The area of a horizontal plane bounded by the front, side, and rear lot lines. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area except in the A-1, A-2, A-3 and A-4 Agricultural Districts.

LOT AREA--BUILDABLE
The portion of a lot remaining after required yards have been provided.

LOT, BUILDING

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, CORNER
A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

LOT COVERAGE
That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

LOT DEPTH
The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR
A lot other than a corner lot.

LOT LINES
The lines bounding a lot.

LOT LINES AND AREA
The peripheral boundary of a parcel of land and the total area lying within such boundaries.

LOT LINE, FRONT
The line separating the lot from the street

LOT LINE, REAR
The line which most nearly qualifies as the line most distant and opposite from the front lot line; where the line is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

LOT LINE, SIDE
Any lot line other than a front lot line or a rear lot line.

LOT OF RECORD
A lot which is part of a recorded subdivision or a parcel of land which has been recorded at the Kenosha County Register of Deeds Office and which has been assigned a property parcel number.

LOT, SUBSTANDARD (8/6/02)
A parcel of land having frontage on a public street, easement of record or other officially approved means of access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

LOT, THROUGH
A lot, other than a corner lot, having frontage on more than one street.

LOT WIDTH
The width of a parcel of land measured at the rear of the specified street yard.

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.

LUMINANCE
Means the brightness of an object, expressed in terms of foot-lamberts, determined from other premises or from the street's public right of way, whichever is closer to the sign.

MACHINE SHOPS
Includes without limitation due to enumeration shops with lathes, presses, grinders, shapers, and other wood and metal working machines, such as blacksmith, tinsmith, welding and sheetmetal shops; plumbing, heating and electrical repair and overhaul shops.

MAINTENANCE
Includes internal and external painting, decorating, and the replacement of doors, windows, siding, roofing shingles and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

MANUFACTURED HOME (9/5/06)
A residential dwelling for one family as is defined in §101.91(2), Wis. Stats., fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD (U.S. Department of Housing and Urban Development) label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5425, and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this chapter only where it meets the building, height, area and design standards delineated in the single-family residential districts and is located in the single-family residential districts. When located in the single-family residential districts, all wheels, axles, transportation lights, and other related towing apparatuses shall be removed. For the purposes of this chapter, a manufactured home shall be considered a dwelling unit when located in the Mobile Home/Manufactured Home Park/Subdivision District.

MANUFACTURING
The processing and converting of raw, unfinished, or finished materials or products, or any of these into an article or substance of different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MARINA

A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto, is incidental to other activities shall not be considered a marina, nor shall boat docks accessory to a multiple dwelling where no boat related services are rendered.

MATERIAL MODIFICATION (8/9/94)
With respect to quarrying and nonmetallic mining operations, "material modification" means any change in the approved plan of operations or the approved plan of reclamation which is significant in terms of the concerns addressed by Section 12.29-8(b)97a of this Ordinance, including, without limitation, any unapproved enlargement.

MICRON
A unit of length, equal to one thousandth part of one millimeter (.001 millimeter).

MINI-WAREHOUSING (8/9/94)
Establishments used for the dead storage of customers' goods and wares where individual stalls or lockers are rented out to different tenants for storage where one or more of the stalls or lockers is less than 500 square feet in area.

MITIGATION
Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

MOBILE HOME (9/5/06)
A transportable factory built structure as is defined in § 101.91(2)(a), Wis. Stats., designed for long-term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. For the purposes of this chapter a mobile home is considered to be a dwelling unit and is not considered to be a type of single-family dwelling, two-family dwelling, three-family dwelling or multi-family dwelling. All mobile homes shall be located in a Mobile Home/Manufactured Home Park/Subdivision Residential District.

MOBILE HOME LOT (9/5/06)
A parcel of land, in a mobile home/manufactured home park/subdivision, for the placement of a single mobile home or a single manufactured home and the exclusive use of its occupants.

MOBILE HOME/MANUFACTURED HOME PARK/SUBDIVISION (9/5/06)
A parcel of land or subdivision used for the placement of 2 or more mobile homes and/or manufactured homes. Manufactured home developments and subdivisions shall not be included under definition where all manufactured homes meet the regulations in each zoning district for a residential dwelling.

MODERATE BURNING
Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

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.

MODULAR HOME (3/1/94)
A structure transported in one or more sections, which is built on a permanent foundation and meets the minimum requirements of the Wisconsin Uniform Dwelling Code.

MORGUE
A place where the unidentified and derelict dead are at all times received and kept and exposed to public view for the purposes of identification.

MOTEL OR TOURIST CABIN (8/6/02)
A building or group of buildings which: (a) contains sleeping accommodations, each unit having a private bathroom attached thereto, (b) has individual entrances from outside the building to serve each such sleeping unit, (c) is furnished by the owner prior to occupancy, and (d) is leased on a daily rate for transient occupancy.

NAME PLATE SIGN
A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

NAVD or NORTH AMERICAN VERTICAL DATUM
Elevations referenced to mean sea level datum, 1988 adjustment

NAVIGABLE WATERS (11/5/86)
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 s. 281.31(2)(d), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland

ordinances required under s. 59.692, Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

(a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and

(b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable in fact under the laws of the state though it may be dry during other seasons.

NET RESIDENTIAL AREA
That portion of a project site designated for residential lots and common open space areas.

NIGHT CLUB
An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

NOXIOUS MATTER
Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NUISANCE
Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

NURSERY
Shall be any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

NURSERY SCHOOL
A place where three or more children are kept for the purpose of providing supplemental parental care, including day nursery, day care home for children, and kindergarten.

NURSING HOME
An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care. See also "Retirement Home" and "Home For ~~The~~the Aged".

NON-COMFORMING LOT
See 12.28-2(c).

NON-CONFORMING STRUCTURE
See 12.28-2(d).

NON-COMFORMING USE
See 12.28-2(e).

OBSTRUCTION TO FLOW (3/1/94)
Any development which physically blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.

FOCCUPY
To take or enter upon possession of.

OCTAVE BAND
A prescribed interval of sound frequencies which permits classifying sound according to its pitch.

ODOR THRESHOLD
The lowest concentration of odorous matter in the air that will produce a response in the normal human nose.

ODOROUS MATTER
Any matter or material that yields an odor which is offensive in any way or any matter or material that produces a response in the normal human nose.

OFFICE
A room or building in which a person transacts his business or carries on his stated occupation.

OFFICE BUILDING
A building designed or used only for office purposes.

OFFICIAL FLOODPLAIN ZONING MAP
That map, adopted and made part of this ordinance, as described in s. 12.02-13(c), which has been approved by the DNR and FEMA.

OFFICIAL LETTER OF MAP CHANGE (LOMC)
LOMC is a letter which reflects an official revision to an effective National Flood Insurance Program (NFIP) map. LOMCs are issued in place of the physical revision and republication of the effective map. Different types of LOMCs may include: A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective NFIP map. A LOMA establishes a property's location in relation to the SFHA or a Letter of Map Revision (LOMR) is an official revision, by letter, to an effective NFIP map. A LOMR may change flood insurance risk zones, floodplain and/or floodway boundary delineations, planimetric features, and/or BFE or a Letter of Map Revision Based on Fill (LOMR-F) is an official revision, by letter, to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

OFFICIALLY APPROVED MEANS OF ACCESS
Those roads that have never been formally dedicated but are maintained by the state, county or town.

ON-SITE SEWAGE DISPOSAL ABSORPTION SYSTEM
Includes a state approved septic or mound system for collection of sanitary waste and eventual absorption of such waste into the surrounding soils.

OPEN SPACE
That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall be considered as open space.

ORDINARY HIGH WATER MARK
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 characteristics. (11/5/86)

PARK
A pleasure ground set apart for recreation of the public to promote its health and enjoyment.

PARK, AMUSEMENT
An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

PARK, PUBLIC
An area owned by the County or a municipality within the County, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

PARKING AREA
An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least 350 square feet of parking area per parking space to insure adequate aisle widths.

PARKING AREA, PRIVATE
An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

PARKING AREA, PUBLIC
An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING LOT
An open area other than a street used for the parking of more than four automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE
A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile not less than nine feet wide and 20 feet long, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

PARTICULATE MATTER
Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

PARTIES IN INTEREST
Includes all abutting property owners, all property owners within three hundred (300) feet of a parcel and all property owners of opposite frontages and of properties that may be directly and immediately affected by a proposed change in this ordinance.

PARTY WALL
A wall containing no opening which extends from the elevation from building footings to the elevation of the outer surface of the roof or above, and which separates continuous buildings but is in joint use for each building.

PATIO (8/6/02)
An uncovered and unenclosed exterior surface with no roof or walls, primarily constructed of concrete, brick, or other masonry material, which is not elevated above the average level of the ground by more than six inches and primarily intended for outdoor living and recreational purposes.
~~A level surface consisting of concrete, paving brick, or stone constructed for recreational purposes without footings extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.~~

PERFORMANCE STANDARD
A criterion established for the purposes of (1) assigning proposed industrial uses to proper districts, and (2) making judgments in the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.

PERMANENT OCCUPANCY
The rental of housing accommodations or rooms on a week-to-week, month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

PERSON
An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

PETS, HOUSEHOLD
Animals commonly found in residences as pets, such as dogs, cats, songbirds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of stable supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, snakes or other animals not commonly found in residences.

PIERHEAD LINE
A boundary line established along any section of the shore or any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to section 30.13 of the Wisconsin Statutes. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to section 30.12(2) of the Wisconsin Statutes.

PLACE
The establishment of a building or structure in a particular location, whether by original construction or erection or by moving a building or structure to a particular location.

POLE OR POST COVER/ENCLOSURE
A cover or enclosure consisting of painted metal, brick, decorative masonry, natural and decorative stone, or masonry with a stucco finish which encloses and is permanently attached to a sign pole, post or pylon that supports the sign. No additional sign copy or lettering is permitted on the cover or enclosure, except for street address numbers.

PORCH, OPEN/ENCLOSED (8/6/02)
A roof partially or wholly supported by columns and/or wall sections including sunrooms, three-season porches, screen porches, etc.

PREVIOUSLY DEVELOPED
A lot or parcel that was developed with a structure legally placed upon it.

PRIMARY STREET YARD (8/6/02)
A yard normally including the driveway access extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have one primary street yard and one secondary street yard.

PRINCIPAL USE
The primary purpose or function that a lot serves or is intended to serve.

PROFESSIONAL HOME OFFICES
Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one half the area of only one floor of the residence and only one non-resident person is employed.

PROFESSIONAL OFFICE
The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM OR POWTS
A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system, approved by the Department of Commerce, including a substitute for the anaerobic treatment tank or dispersal cell, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure. A POWTS may be owned by the property owner or by a special purpose district.

PUBLIC ENTRANCE
An architecturally enhanced entrance to an establishment which is provided primarily for use by the patrons or customers of the establishment and not for delivery purposes.

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.

QUARRY
A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth, for building or other purposes; a stone pit.

QUARRY OR OTHER NONMETALLIC MINING OPERATION (8/9/94)
All of the activities undertaken for the purpose of extracting from the earth, for sale or use by the operator or any person affiliated or related to the operator, or any person with whom the operator has a contractual relationship, mineral aggregates such as stone, sand and gravel, and other nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil, and all related activities and processes on the site, including, without limitation, stripping, drilling, shooting, excavating, dredging, grading, scalping, dewatering, crushing, screening, washing, blending, loading, hauling, stockpiling, and selling.

QUARRY OR NONMETALLIC MINING REFUSE (8/9/94)
Waste soil, rock, mineral, liquid, vegetation, and other waste material resulting from a quarry or other nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the quarry or other nonmetallic mining operation, provided that the operator intends to market such by-products and the operation is active.

QUARRY OR NONMETALLIC MINING SITE (8/9/94)
The location where a quarry or other nonmetallic mining operation is proposed to be conducted or is conducted, including, without limitation, all areas where minerals are proposed to be or are removed, processed or stored, and all areas where are proposed to be or are disturbed or improved in connection with the operations (but not including public streets, highways, or other public improvements), and all setback areas surrounding the operations.

QUARRYING
The digging out of stone or slate from an open excavation.

RAILROAD RIGHT OF WAY
A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REACH
A longitudinal segment of a stream generally including those floodlands where in flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

REAR YARD
An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

RECLAMATION (8/9/94)

With respect to quarrying and nonmetallic mining operations, "reclamation" means the rehabilitation of a quarry or other nonmetallic mining site, including, but not necessarily including, and not limited to, removal of quarry or other nonmetallic mining refuse, grading of the site, modification of sheer rock walls for purposes of safety and utility, replacement of topsoil, stabilization of soil and rock conditions, establishment of vegetative cover, landscaping, control of surface water and groundwater, prevention and remediation of environmental pollution, construction of fences, returning the site to a safe, useful, and aesthetically pleasing condition, and, if practical, restoration of plant, fish, and wildlife habitat.

RECREATIONAL CAMP
An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

RECREATIONAL VEHICLE (RV)
A vehicular type unit initially designed as a temporary living quarters for recreational, camping, or travel use, which either has its own motive power or mounted on or drawn by another vehicle. The basic types of recreational vehicles are:
(1) Travel trailers. A vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use, and a body length of no more than 35 feet and a body width of no more than 8'6" when factory equipped for the road.
(2) Truck camper. A portable unit, designed to be loaded onto or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.
(3) Motor homes. A vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping or travel use.
(4) Camping trailer. A vehicular unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfolds at the campsite and is initially designed to provide temporary living quarters for recreational, camping or travel use.
(5) Vans, buses, and other vehicles when equipped for camping purposes, designed to provide temporary living quarters for recreational, camping or travel use.

RECREATIONAL VEHICLE (RV) PAD
A location on an RV lot or campground site constructed of gravel, asphalt or concrete designed to provide proper drainage for placement of an RV and where possible, having amenities such as sewer, water and electrical connections.

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 percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

RENDERING PLANT
A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products, such as hide, skin, grease, bones, glue and soap for the storage of such by-products.

REPLACEMENT OF TOPSOIL (8/9/94)

The replacement of the topsoil which was removed and disturbed by a quarry or other nonmetallic mining operation or the provision and placement of soil which is at least as adequate, in the opinion of the Kenosha County Planning, Development & Extension Education Committee, as the topsoil which was removed or disturbed, for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

RESORT (8/6/02)
A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

REST HOME
An agency, organization or individual providing care for 3 or more sick or aged persons not related by blood or marriage to the operator.

RESTAURANT
A public eating establishment in which the primary function is the preparation and serving of food on the premises.

RESTAURANT WITH DRIVE-IN SERVICE
An establishment designed, in whole or part, to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment.

RESTRICTIVE COVENANT (8/6/02)
See “deed restriction.”

RETIREMENT HOME
A building or institution for the accommodation of elderly persons, with or without nursing or medical care; provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons for not less than 72 hours per week, such building or institution shall be classified as a nursing home. See also "Nursing Home" and "Home for the Aged".

RIDING STABLE
A building or premises used for the rent or lease of horses or animals for riding.

RIDING STABLE (PRIVATE) (8/6/02)
A principal agricultural building and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their boarders and/or quests. Breeding, boarding, or training of equines may also be conducted. These facilities are not open to the public.

RIDING STABLE (PUBLIC) (8/6/02)
A principal building and/or land use in or on which equines are kept for sale or hire to the public. Breeding, livery, boarding, riding lessons, or training of equines may also be conducted.

RIGHT-OF-WAY LINE
The dividing line between a highway and the abutting lots or other divisions of land.

RINGELMANN CHART
One which is described in the U. S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

RINGELMANN NUMBER
The number appearing in the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two consecutive Ringelmann Numbers, the lowest Ringelmann Number shall be considered the density of the smoke observed.

ROUTINE MAINTENANCE OF VEGETATION
Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance

ROW HOUSE
One of a group of three or more houses sharing a common or party wall on one or both side lot lines.

SANITARIUM
A health station or retreat--an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

SANITARY LANDFILL
Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principals of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

SCHOOL
A place for systematic instruction in any branch or branches of knowledge.

SECONDARY STREET YARD (8/6/02)
A yard normally not including the driveway access extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have one primary street yard and one secondary street yard.

SEDIMENT
Soils or other surficial materials transported by winds or surface waters as a product of erosion.

SEPARATION DISTANCE (8/6/02)
The required distance between the outer boundary of a cluster group and another specified feature of the development.

SERVICE STATION
See "Gasoline Station".

SETBACK
The distance between a street line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas, except where otherwise restricted by this ordinance.

SHED
A subordinate structure or building used primarily for storage purposes, of a height no greater than fifteen feet, and the total square footage of which does not exceed 150 square feet.

SHELTER, FALLOUT
A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SHORELANDS
All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof. (11/5/86)

SHORELAND SETBACK also known as the "Shoreland setback area"
An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Stats.

SHORELAND WETLAND DISTRICT
Means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

SHORELINES
The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the ordinary high water mark. (11/5/86)

SHORE YARD (11/5/86)
A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the ordinary high water mark of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

SIDE YARD
An open unoccupied space within the lot between a side lot line and the parts of the building, structure, or outbuilding nearest thereto. Such side yard shall extend on both sides of the lot through from the street line to the rear line of said lot.

SIGN
Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored

material or impression on any building, structure, or surface. Signs placed or erected by governmental agencies or nonprofit civic associations or public or private institutions for a public purpose in the public interest shall not be included herein, nor shall this include signs which are a part of the architectural design of a building.

SIGN AREA
The total square or rectangular area of space needed for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

SIGN, AWNING
A sign affixed to the surface of an awning provided that the sign does not extend vertically or horizontally beyond the limits of such awning.

SIGN, BLADE
A small, pedestrian-oriented sign that projects perpendicular from a structure or is hung beneath an awning or canopy.

SIGN, BULLETIN BOARD
Sign erected by a charitable, educational or religious institution, or a public body, which is erected upon the same property as said institution, for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

SIGN, BUSINESS
A sign which directs attention to a business, product, service or activity conducted or sold on the premises where the sign is displayed.

SIGN, CANOPY
A sign affixed to the surface of a canopy provided that the sign does not extend vertically or horizontally beyond the limits of such canopy.

SIGN, CHANGEABLE COPY
A sign designed so that characters, letters, or illustrations can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign. For the purpose of this Ordinance, a sign containing changeable copy shall not be considered a flashing sign.

SIGN, DILAPIDATED
A sign where elements of the display area or panel are visibly cracked, broken, or discolored, where the support structure or frame members are visibly corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

SIGN, FLASHING
A sign that includes a message, image or any other component that intermittently flashes on and off or varies in intensity or color, with intermittent bursts of light, brightness, color or other feature of any kind which produces a visual flashing effect.

~~Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.~~

SIGN, FREESTANDING
A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports and not attached to or dependent for support from any building.

SIGN, ILLUMINATED
A sign designed to give forth any artificial light or reflect such light from an artificial source.

SIGN, INFLATABLE
A freestanding or moored sign or advertising medium expanded or inflated with air or another gas, such as, but not limited to, an air dancer or balloon, which may or may not rise and float above the ground and may or may not be imprinted with a product name or logo. Types of inflatables included within this definition are, but are not limited to: air dancers, air tubes, crazy tubes, tube dancers, dancing inflatables, giant inflatables, inflatable product replicas, rotatable inflatables, inflatable costumes, tethered balloons or blimps, or inflatable mascots, figures and characters.

SIGN, MENU BOARD
A freestanding sign displaying the type and price of food and beverages sold in connection with permitted outdoor dining, or a freestanding sign permanently affixed to the ground in connection with drive-through restaurant service.

SIGN, MONUMENT
A sign mounted on a solid-appearing decorative base or platform which supports a minimum of 75% of the horizontal dimension of the sign display and which encloses the structural members that support the sign with brick, decorative masonry, natural or decorative stone or painted metal with the bottom of the sign face at or within a few feet of the base at grade.

SIGN, OBSOLETE
A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed.

SIGN, OFF-PREMISE (BILLBOARD)
Any sign advertising goods, products or services not located or sold on the premises on which the sign is located.

SIGN, ON-SITE INFORMATIONAL
A sign which provides special information such as price, hours of operation, or parking regulations and information and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include: signs that give direction regarding parking and traffic, such as “enter” or “exit” or “employee parking” or “customer parking” or “do not enter” or signs that direct traffic to a specific area such as “drive-through”.

SIGN, PORTABLE

Any sign not permanently attached to the ground, a building, or other immovable object. Such sign shall include any sign attached to, or displayed on, a vehicle that is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when that vehicle is parked adjacent to the public right-of-way and/or in a manner as to attract attention of motoring or pedestrian traffic.

SIGN, PROJECTING
Any sign that is attached in a plane approximately perpendicular to the surface of a building or other structure.

SIGN, REAL ESTATE
A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

SIGN REFACING
Repainting or replacing the advertising surface of a sign without moving, reconstructing, extending, enlarging, converting or making structural changes to the sign.

SIGN, ROOF
A sign erected, constructed or maintained on the roof of a building or structure above the eaves, or above mansards, parapets, or other similar architectural features of buildings or structures which are capable of supporting signs.

SIGN, SUSPENDED
A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, UNIFIED BUSINESS CENTER
A monument sign which identifies multiple tenants located on multiple parcels within a commercial development or business/industrial park.

SIGN, WALL
Any sign attached to, erected on or painted on the wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to and projecting not more than twelve (12) inches from the face of the wall. Wall-mounted signs shall not extend above the top of the parapet wall (if one exists) or soffit-fascia line (if one exists) of a building. A wall sign may be of either one-piece construction or of individual connected or related letters or symbols. The sides of architectural projections do not constitute a wall per this definition.

SIGN, WINDOW
Any permanent or temporary sign, including any decal or graphic, that is legible from the outside, including plazas, public streets, and parking lots, and that is placed on the inside face of a window or mounted within two feet of the inside face of the window.

SILT
Soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

SITE
See "lot".

SLAUGHTERHOUSE
Any building or premise used for the killing or dressing of cattle, sheep, swine, goats, horses, or poultry and the storage, freezing and curing of meat and preparation of meat products.

SLOW BURNING OR INCOMBUSTIBLE
Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200oF, shall be designated "incombustible".

SMOKE
Small gasborne particles other than water that form a visible plume in the air.

SMOKE UNIT
The number obtained when the smoke density in Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SOIL
Any earth, sand, gravel, rock or any similar material.

SOLID WASTE
Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material and waste water effluent or other common water pollutants.

SOUND LEVEL
An operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

SOUND LEVEL METER
An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIAL EXCEPTION
See “conditional use”.

START COMMENCEMENT
The doing of some act upon the ground on which the building is to be erected, and in pursuance of a design to erect, the result of which act would make known to a person viewing the premises, from observation alone, that the erection of a structure on that land had been commenced.

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 the time limits as specified in 12.05-3. 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 pilings, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction also includes land preparation, such as clearing, grading and filling. 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.

STEEP SLOPE
A slope over twelve percent (12%) grade, which is characterized by increased run-off, erosion and sediment hazards.

STORAGE
Holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

STORAGE CAPACITY
The volume of space available above a given cross-section of a floodplain for the temporary storage of flood water. The storage capacity will vary with stage.

STORE
A use devoted exclusively to the retail sale of a commodity or commodities.

STORY
That portion of a building included between a floor and the floor or roof next above it. A basement is not to be counted as a story unless the ceiling height exceeds four feet above the grade or unless more than 40 percent of the basement is for living purposes.

STORY-HALF
A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

STREET
A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

STREET, ARTERIAL
A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways and parkways.

STREET LINE
A dividing line between a lot and a street right-of-way.

STREET YARD (8/6/02)

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing right-of-way line and a line parallel thereto through the nearest point of the principal structure. Through lots (double frontage lots) shall have two such yards.

STREET YARD, PRIMARY (8/6/02)
See "Primary Street Yard."

STREET YARD, SECONDARY (8/6/02)
See "Secondary Street Yard."

STRIPPING
Any activity which removes the vegetated surface cover, including tree removal, clearing, rubbing and storage or removal of topsoil.

STRUCTURAL ALTERATIONS
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURAL REPAIRS
Any repair to the supporting members of a structure, such as bearing walls, columns, beams or girders. Ordinary maintenance repairs such as interior or exterior painting, decorating, paneling, replacing doors and windows, and replacing roof tiles or shingles are not considered structural repairs. (11/5/84)

STRUCTURALLY ALTERED
The making of such a substantial change in the construction, identity, and use of the present building.

STRUCTURE
Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner and form. Structures may include, but are not limited to, a principal structure or any accessory structure or a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

STRUCTURE, MINOR
Any small, movable accessory erection or construction, such as birdhouses; tool houses; play equipment arbors and walls and fences under four (4) feet in height meeting all street, sides, rear and shore yard setback requirements.

STRUCTURE TEMPORARY
A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

SUBDIVISION
Has the meaning given in s. 236.02(12), Wis. Stats.

SUBDIVISION ROAD
A town road or other officially approved means of access providing primary access to interior lots located within a subdivision as defined in the Kenosha County Land Division Ordinance.

SUB-LOT
A subordinate and integral part of a lot which lot is identified on a subdivision recorded in the maps and plats records of the Kenosha County Register of Deeds.

SUBSTANTIAL DAMAGE
Damage sustained by a structure whereby the cost of repairing or restoring the structure to its pre-damaged condition, which over the life of the structure, would equal or exceed 50 percent of the equalized assessed value at the time the structure became non-conforming.

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 at the time the structure became non-conforming. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. 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
Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

TEMPORARY USE
A use of land, buildings or structures not intended to be of permanent duration and not located on a parcel for more than 12 months.

THEATER
A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.

TOWN HOUSE
A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

TOXIC MATTER
Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAFFIC LANE
A strip of roadway intended to accommodate a single line of moving vehicles.

TRANSIENT (8/6/02)

A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

TRUCK FARMING (8/6/02)
A farm devoted to the production of vegetables for the market.

TURNING LANES
An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

UNNECESSARY HARDSHIP
The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property. (2/6/90)

UNOBSTRUCTED OPEN SPACE
Land not covered by buildings or structures.

USE
(a) Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or (b) any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

USE PRIVATE
One which is restricted to the occupants of a lot or building, together with their guests, where compensation for such use is not received and where no business or commercial activity is associated with such use or building.

USED CAR LOT
A lot or group of contiguous lots, used for the display and sale of used automobiles and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

VARIANCE
An authorization granted by the Zoning Board of Adjustments to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodland construction that is not protected to the flood protection elevation. (2/6/90)

VEGETATIVE BUFFER
An area of dense vegetation intended to slow runoff and trap sediment. Vegetative Buffers are commonly referred to as filter or buffer strips. See Vegetative Buffer For Construction Sites (1054) Wisconsin Department of Natural Resources Conservation Practice Standard.

VIDEO
A recording of moving visual images.

VIOLATION
The failure of a structure or other development to be fully compliant with the provisions of this or any other County 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.

WAREHOUSE
A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

WAREHOUSING (8/9/94)
Establishments used generally for large scale dead storage of goods and wares. A general warehouse may or may not include maintenance facilities for shipping vehicles.

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
Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which have soils indicative of wet conditions. (11/5/86)

WHOLESALE TRADE (8/9/94)
Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIDTH
A dimension measured from side to side at right angles to length.

WRECKING, JUNK, DEMOLITION AND SCRAP YARD
See "Junk Yard".

YARD
An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

ZONE

An area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

APPENDIX "B"---ILLUSTRATIONS

ILLUSTRATION #1

SLOPE CALCULATION

(Section 12.12-4(i))

100 FEET
HORIZONTAL DISTANCE (H)

12 FEET
VERTICAL
DISTANCE
(V)

SLOPE CALCULATION

$$\frac{V}{H}$$

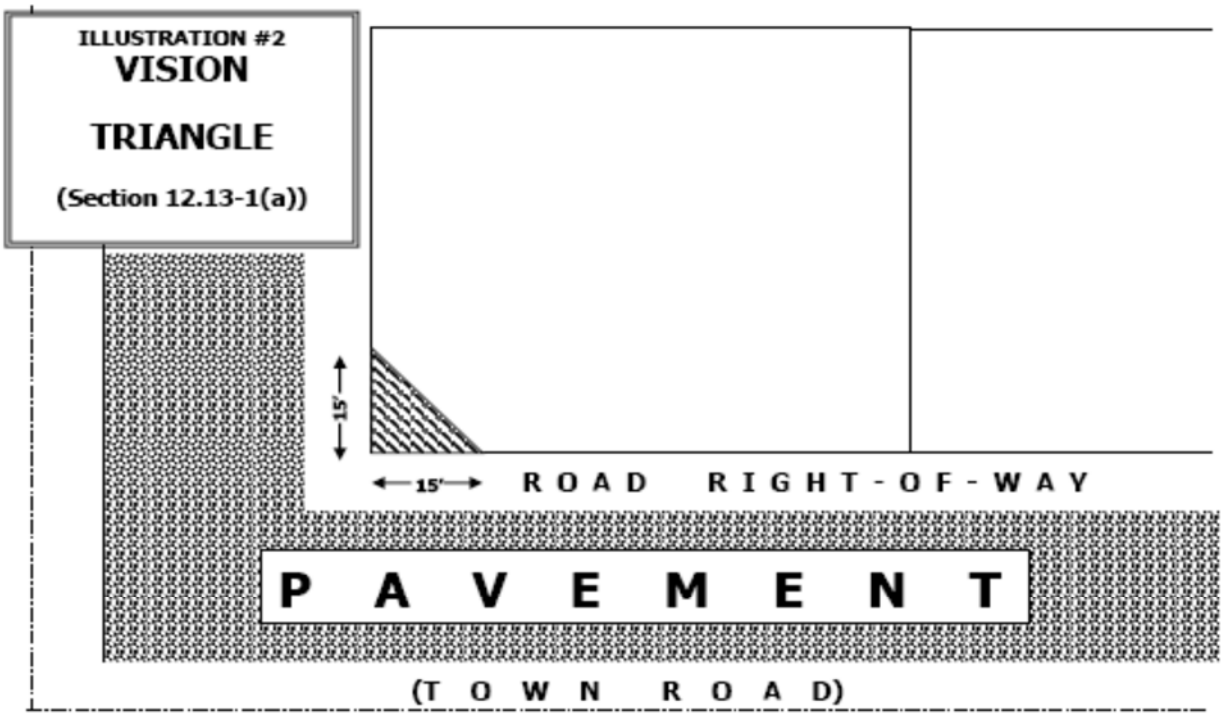


ILLUSTRATION #2
VISION
TRIANGLE
(Section 12.13-1(a))
15'
15'
ROAD RIGHT-OF-WAY
PAVEMENT
(TOWN ROAD)

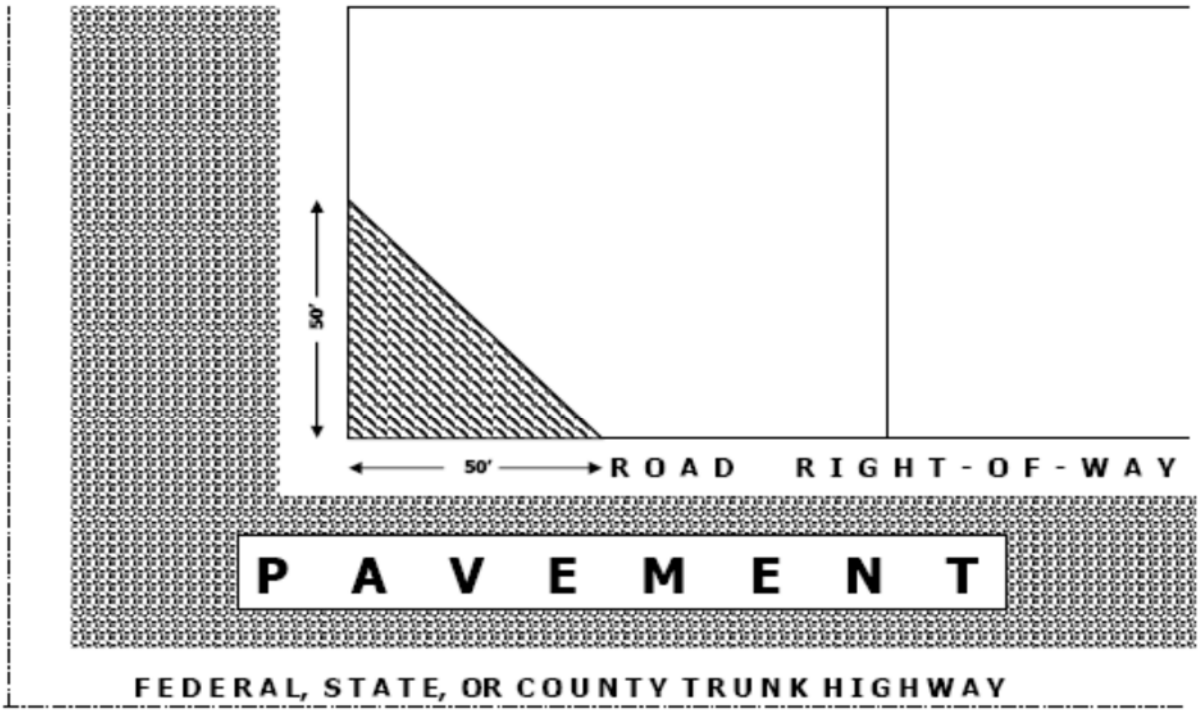
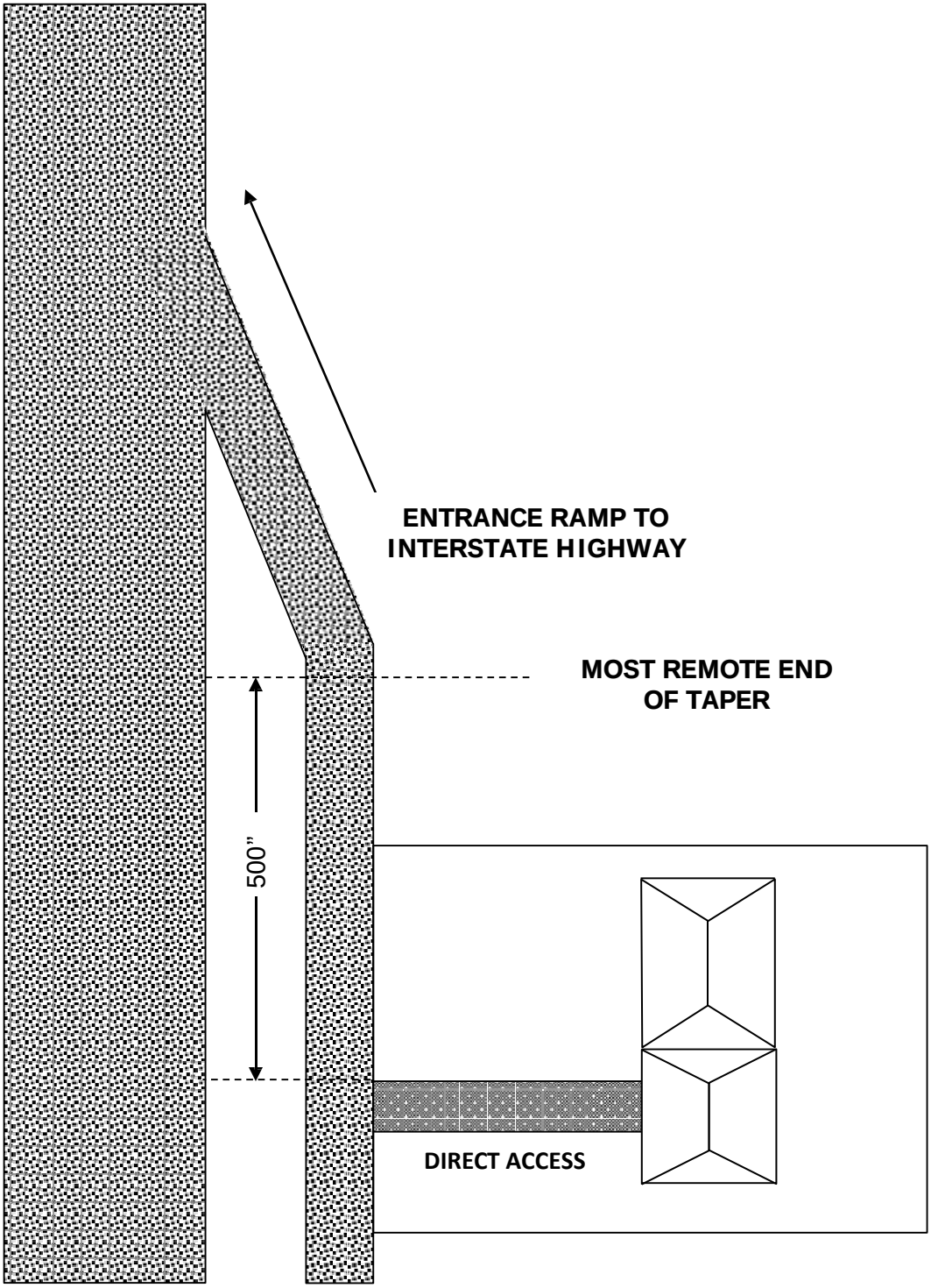

50'
50'
ROAD RIGHT-OF-WAY
PAVEMENT
FEDERAL, STATE, OR COUNTY TRUNK HIGHWAY

ILLUSTRATION #3

PERMITTED PUBLIC AND PRIVATE ACCESS TO HIGHWAYS

(Section 12.13-4(c))



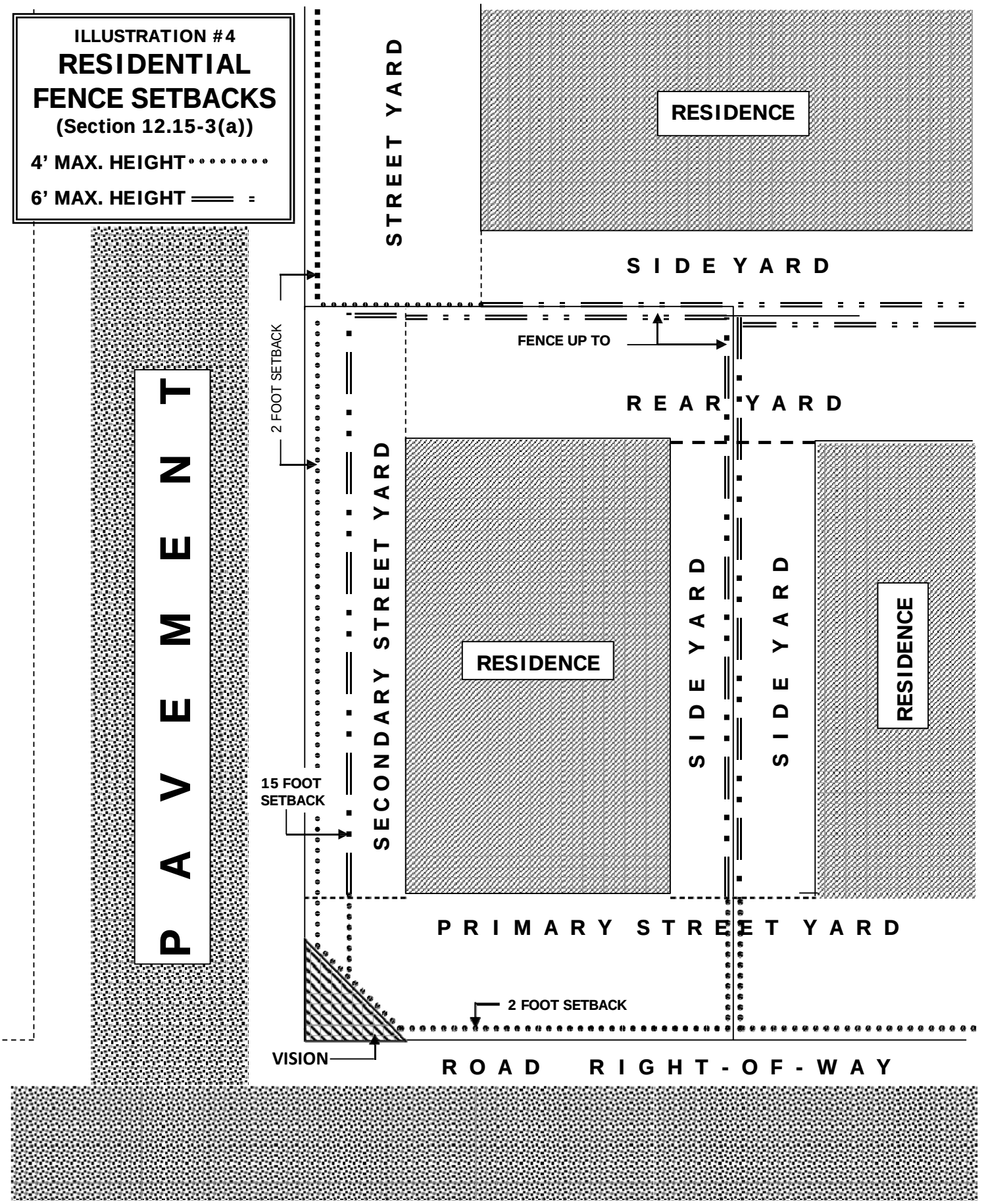
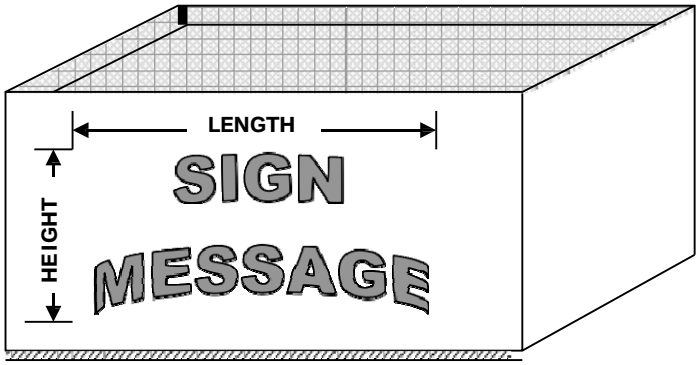


ILLUSTRATION #4
RESIDENTIAL
FENCE SETBACKS
(Section 12.15-3(a))
4' MAX. HEIGHT
6' MAX. HEIGHT
STREET YARD
RESIDENCE
SIDE YARD
FENCE UP TO
2 FOOT SETBACK
REAR YARD
PAVEMENT
SECONDARY STREET YARD
RESIDENCE
SIDE YARD
SIDE YARD
RESIDENCE
15 FOOT SETBACK
PRIMARY STREET YARD
2 FOOT SETBACK
VISION
ROAD RIGHT-OF-WAY

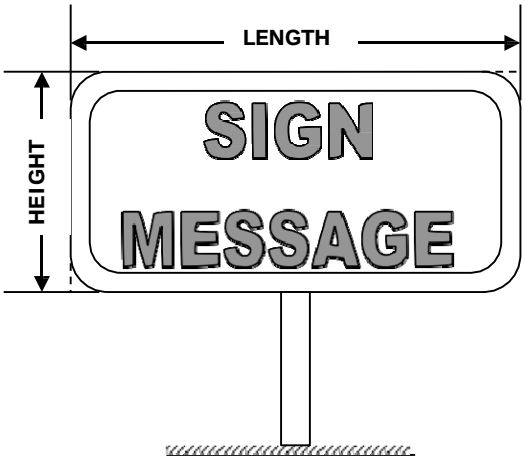
ILLUSTRATION #5

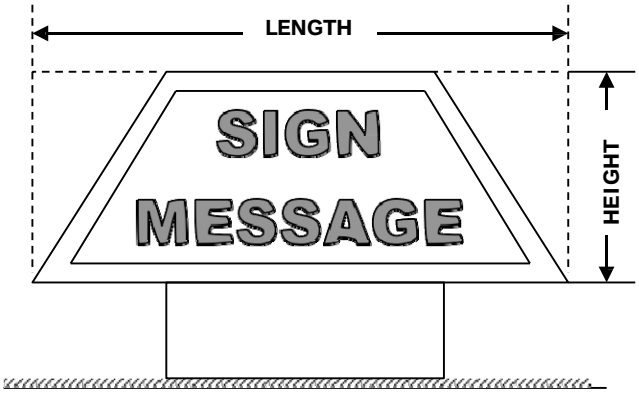
SIGN AREA

Sign Area Definition (Appendix "A")

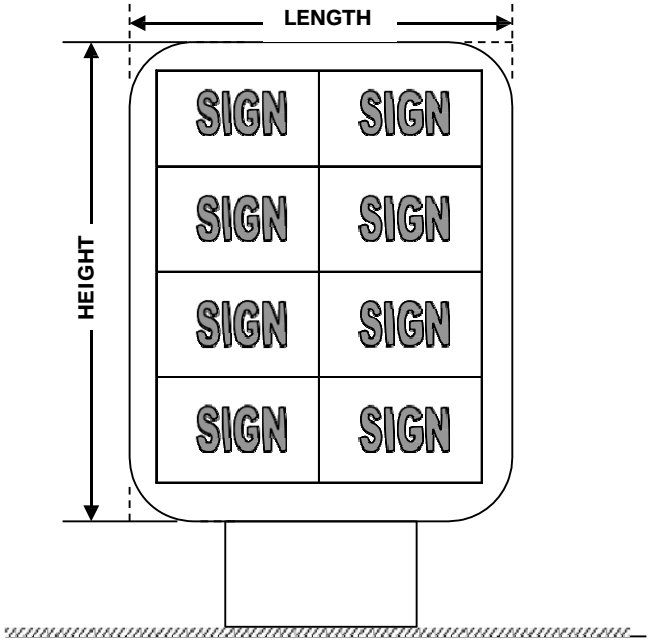


AREA OF SIGN WITHOUT BARRIER





AREA OF SIGN WITH BARRIER

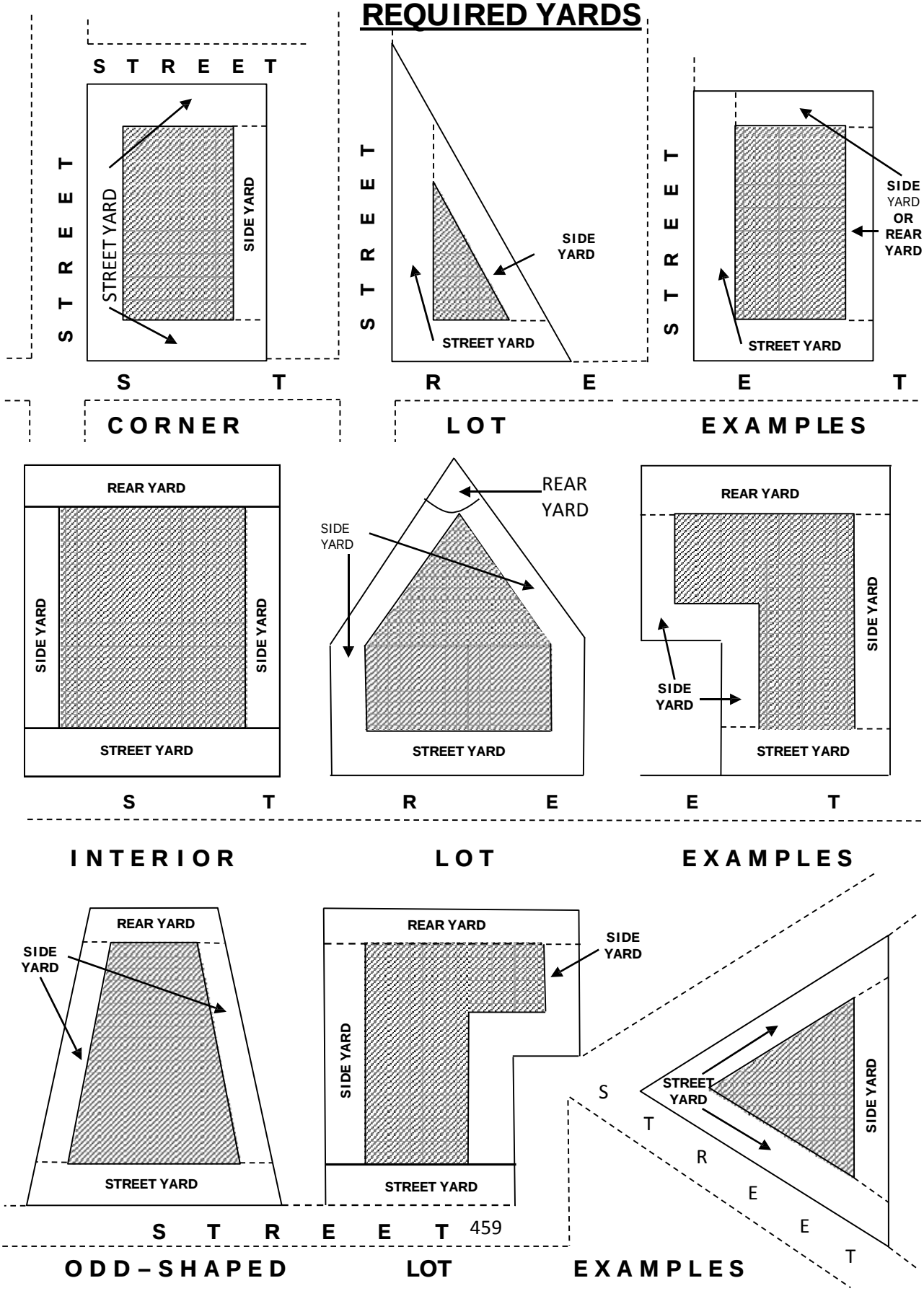


AREA OF MULTIPLE SIGN WITH BARRIER

SIDE AND REAR YARDS
ARE INTER-CHANGEABLE

ILLUSTRATION #6

REQUIRED YARDS



APPENDIX "C"---HYDRAULIC AND HYDROLOGIC STUDIES

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 of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the DNR.

(a) Zone A floodplains

1 Hydrology

a 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.

2 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:

a 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 for the study.

b Channel sections must be surveyed.

c Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

d 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.

e The most current version of HEC-RAS shall be used.

f A survey of bridge and culvert openings and the top of road is required at each structure.

g 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.

h 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.

i 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.

3 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.

a If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

b 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.

(b) Zone AE Floodplains

1 Hydrology - If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

2 Hydraulic model - 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:

a 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 FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

b 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 DNR review.

c 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.

d 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.

e All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

f 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.

3 Mapping - Maps and associated engineering data shall be submitted to the DNR for review which meet the following conditions:

a Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

b 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 FIRM may be more easily revised.

c Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

d If an annotated FIRM 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 (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

e The revised floodplain boundaries shall tie into the effective floodplain boundaries.

f 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.

g Both the current and proposed floodways shall be shown on the map.

h The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

APPENDIX "D"---VEGETATIVE BUFFER STANDARDS

If the landowner is required to submit a plan to preserve or establish a vegetative buffer under sections 12.18-2 or 12-28-11., Vegetation Preservation, or, if vegetation has been removed in violation of 12.18-2, requirements, the preservation plan or violation must be created and mitigated per the following:

(a) **MITIGATION METHODS**. There are basically four (4) methods of mitigation that will establish or maintain a buffer. Each method involves preserving or establishing three vegetative layers: ground cover (grasses, etc.), shrub understory, and tree canopy. Attempts should be made to duplicate or mimic the undisturbed vegetative habitat that exists around the particular water body.

1. **AVOIDANCE**. Some of the buffer may be totally intact or undisturbed. If that is the case, that area does not have to be mitigated. However, the affidavit shall state that the landowner will not disturb the area and will remain compliant with placement of the viewing corridor, etc.

2. **NATURAL RECOVERY**. Some of the buffer may be present, but some of the understory vegetation may have been removed, or the area may have been mowed down to the edge of the water. The goal is to reestablish the natural condition, had the area not been disturbed. The recovery method involves simply stopping all mowing or clearing and letting the area regenerate naturally. It is important to note that in some cases over seeding with native plant species may help facilitate establishment of the natural condition.

3. **ACCELERATED ENHANCEMENT RECOVERY**. This method is similar to natural recovery, but entails actually installing some plant materials to achieve proper vegetation density, as outlined in Density, below. Simply, the landowner fills in areas that are too thin or where the vegetation is missing.

4. **ACCELERATED CREATION RECOVERY**. This method is used when no buffer exists. The area in question may have been graded to bare soil or the site may have been mowed for many years. Creation will involve planting groundcover, shrubs and trees based on the Table of Density Requirements below.

(b) **DENSITY**. If you have to install plantings, a specific vegetation density is required. Refer to the Table of Density Requirements below, which denotes how many plantings should be installed per square foot per vegetative layer (groundcover, shrub or tree canopy). Planting dates should be verified with the chosen plant supplier. The landowner may take credit for existing plants. (For example, if all soil is covered by grasses, the landowner does not have to install plantings in that layer. Likewise, if the buffer has 10 existing trees, the trees would count as 3 new trees.)

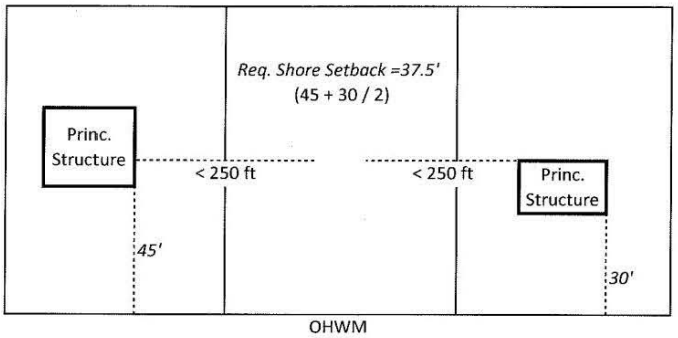
LAYER	MAX. NO. OF DIFFERENT SPECIES	NO. TO BE INSTALLED PER 100 SQ. FT.	CREDITS FOR EXISTING VEGETATION	PLANTING DATES
Tree Canopy	3	1	1 existing tree = 0.3 new trees	4/15—11/15
Shrub Understory	4	2	1 existing shrub = 0.5 new shrubs	4/15—11/15
Groundcover Plant (bareroot/rootstock/potted) Plugs	1	70	n/a	5/15—11/15
Groundcover Seedlings, Warm and Cool Season Grasses (More diverse seed mixes are ideal)	1	General seed broadcasting	Complete cover of bare soil	5/1—9/15

(c) **PLANT SELECTION**. When selecting the plantings to install, the landowner shall use species, which are native to the region and non-noxious. The landowner should pay special attention to existing native species growing onsite as well as soil type, soil moisture, and sun exposure conditions specific to the subject property. When selecting groundcover, a diverse seed mix is highly recommended to maximize chances of successful establishment and promote greater species diversity.

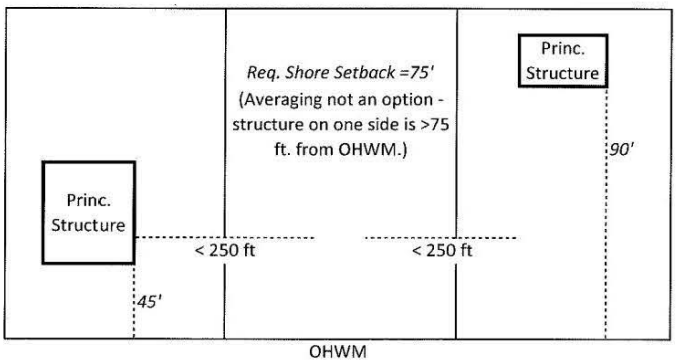
(d) **EROSION CONTROL AND MAINTENANCE**. As with any construction project, erosion control measures should be utilized during mitigation. Runoff from impervious structures should be diverted away from the water, and, matting or mulch should be used as groundcover plantings are taking root. The mitigated area is intended to be a natural area so little maintenance is needed. There should be no need to rake or fertilize, and selective mowing should only be conducted to control brush and manage noxious species encroachment. For detailed information on care, maintenance and weed management of the mitigated area the landowner is encouraged to consult the UW-Extension, Conservation Specialist, Botanist, or Environmental Consultant.

APPENDIX "E"---SHORELAND SETBACK AVERAGING

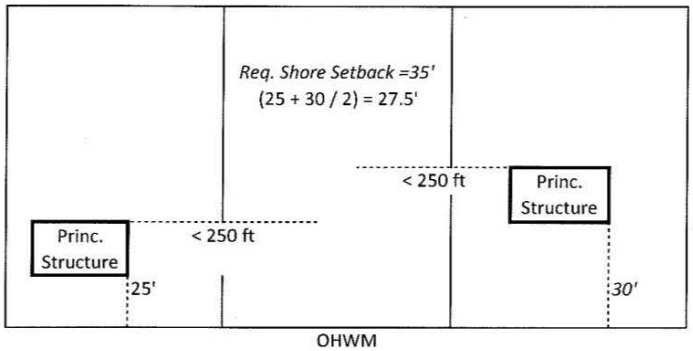
Two adjacent structures less than required setback.



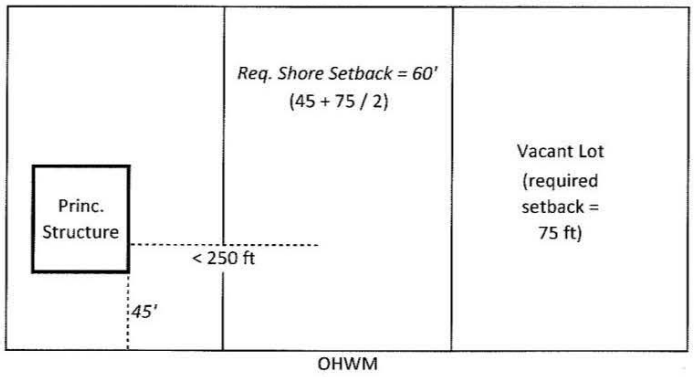
One structure is less than 75 feet, one structure more than 75 feet



Average setback of adjacent structures is less than 35 feet



One structure is less than 75 feet one side is vacant lot



APPENDIX "F"---PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS LIST

Below is a list of approved Planned Unit Development Overlay Districts (PUDs) adopted under the authority of Section 12.26-4 of this Ordinance:

PLANNED UNIT DEVELOPMENT REFERNCE NAME	STATUS	COUNTY BOARD ORDINANCE NUMBER	Township – Range – Section	Acreage
Ashley Furniture	Active	2005-28	1-21 12(1)	4.99
Avalon Parc Condominium	Active	2004-53	2-22 27(4)	18.85
Bristol Ridge Estates	Active	2005-15	1-21 11(1) & 12(1 & 4)	176.68
Carrington Court Condominium	Active	2004-28	2-22 12(4)	22.97
Hollister Hollow	Active	2007-47	1-21 7(1) & 8(2)	36.9
Oak Ridge Condominiums	Active	2001-58	1-21 8(4)	44.53
Pike Creek Crossing Subdivision	Active	2008-15	2-22 15(2)	48.20
River Vista Subdivision	Active	2008-01	2-22 7(1 & 4)	121.42
Rustic Shores Condominium	Active	1989 1994-32	1-20 9(3) & 16(2)	26.02
Somers Estates Condominium	Active	1994-50	2-22 12(4)	14.17
Somers Market Center	Active	2007-44	2-22 27(1)	121.45
Somers Village Centre	Active	1996-63	2-22 16(2)	18.58
The Commons of Somers Subdivision	Active	2008-24	2-22 15(2)	46.73
The Reserve	Active	2016-26	1-20 4(4)	55.74
The Reserve, A Condominium	Inactive	2004-33	1-20 4(4)	55.74
The Villas at Echo Lane Condominium	Active	1996-55	1-20 13(2)	12.41
Villa Rosa Apartments	Active	1991-43	2-23 8(2)	13.67

Kenosha County

BOARD OF SUPERVISORS

ORDINANCE NO._____

Subject: Proposed amendment to the Kenosha County Stormwater Management, Erosion Control and Illicit Discharge Ordinance allowing alternate forms of financial assurance than what currently exists creating some flexibility for the developer.			
Original ☐	Corrected ☐	2nd Correction ☐	Resubmitted ☐
Date Submitted: July 17, 2018		Date Resubmitted:	
Submitted By: Planning Development & Extension Education Committee			
Fiscal Note Attached ☐		Legal Note Attached ☐	
Prepared By: Andy M. Buehler, Director Division of Planning & Development		Signature: Andy M. Buehler	

AN ORDINANCE TO AMEND CHAPTER 17 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

NOW, THEREFORE BE IT RESOLVED that pursuant to the authority granted by Sections 59.693, 92.07(15) and 281.33 and Chapter 236 of the Wisconsin State Statutes, the Kenosha County Board of Supervisors does hereby ordain that Chapter 17 of the Municipal Code of Kenosha County entitled "Kenosha County Stormwater Management, Erosion Control and Illicit Discharge Ordinance" be and hereby is changed by the following addition and is amended to read as set forth in the attached Exhibit A.

Description: See Exhibit A (attached).

This description is intended to extend to the center of all roads.

Approved by:

PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE	Aye	No	Abstain	Excused
_____ Erin Decker, Chair	☐	☐	☐	☐
_____ Michael Skalitzky, Vice Chair	☐	☐	☐	☐
_____ John Poole	☐	☐	☐	☐
_____ Mark Nordigian	☐	☐	☐	☐
_____ Zach Rodriguez	☐	☐	☐	☐

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~~Strikethrough~~ = Text Removed

Green Font = New Text

EXHIBIT "A"

17.08-3 Financial Assurance

(a) Purpose

P&D may require the applicant to submit a financial assurance to ensure compliance with the approved erosion control plans, stormwater management plans, other stormwater permit requirements, and as-built submittals unless the Town in which the subject lands are located has required a financial assurance to ensure compliance with the same requirements.

(b) Type and Authority

P&D shall determine the acceptable type and form of financial assurance, which may include cash, or a bond or ~~accept~~ an irrevocable letter of credit ~~only~~ from an approved financial institution with Kenosha County, Wisconsin named as the beneficiary and upon written notice to the permit holder, be authorized to use the funds to complete activities required in the approved plans or this ordinance if the permit holder or other responsible party defaults or does not properly implement the requirements.

17.09-3 Stormwater Management Performance Standards

All stormwater management plans and associated BMPs shall meet the following minimum requirements to the maximum extent practicable. Runoff draining to a stormwater BMP from off-site must be accounted for hydraulically in any BMP design. It is highly recommended that the applicant meet with P&D prior to preparing a stormwater management plan to determine the applicability of these requirements early in the site planning process.

(a) Peak Discharge

1. Minimum Requirement

To minimize downstream bank erosion and the failure of downstream conveyance systems, the peak stormwater discharge rate **shall not exceed** the rates as described below. Modeling requirements for this provision are further described Section II.F.

a. Reduce the post-development peak rates of runoff during the one-, two-, 10-, and 100-year recurrence interval storms to less than the peak rates of runoff during the same recurrence interval storms occurring under predevelopment conditions for the Towns of Brighton, Paris, Randall, ~~Salem~~, and Wheatland.