



Planning, Development & Extension Education Committee
Agenda
Wednesday, May 13, 2020 - 7:00 p.m.

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COUNTY BOARD RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS.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 public hearing meeting will be held by the Kenosha County Planning, Development & Extension Education Committee on **Wednesday, May 13, 2020, at 7:00 p.m.** at the **Kenosha County Job Center Building, Conference Room South 10, 8600 Sheridan Road, Kenosha, Wisconsin** (must enter through Entrance D southeast entrance of building) on the following requests:

While both the building and the meeting is open to the public, in keeping with the CDC's recommendations on social distancing, members of the public are strongly encouraged NOT to attend the meeting in person. The meeting will be accessible for public monitoring by calling **1-408-418-9388** and using Access Code **966 722 191**. Citizens wishing to make a public comment are strongly encouraged to submit such comments in writing to andy.buehler@kenoshacounty.org before 4:30 pm on Wednesday, May 13, 2020.

1. CERTIFICATION OF COMPLIANCE WITH WISCONSIN OPEN MEETINGS LAW
2. NOMINATION OF 2ND VICE CHAIR
3. **MICHAEL J. & ANN M. GROSSMAN (OWNER) - COMPREHENSIVE PLAN AMENDMENT - TOWN OF BRIGHTON**

Michael J. & Ann M. Grossman, 25537 52nd St., Salem, WI 53168 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "General Agricultural and Open Land", "Primary Environmental Corridor" & "Nonfarmed Wetland" to "General Agricultural and Open Land", "Rural-Density Residential", "Primary Environmental Corridor" & "Nonfarmed Wetland" on Tax Parcel # 30-4-220-344-0406, located in the SE ¼ of Section 34, T2N, R20E, Town of Brighton.

Documents:

0406 - SUBMITTED APP CPA.PDF
0406 EXHIBIT MAP CPA.PDF

4. **MICHAEL J. & ANN M. GROSSMAN (OWNER) - REZONE - TOWN OF BRIGHTON**

Michael J. & Ann M. Grossman, 25537 52nd St., Salem, WI 53168 (Owner), requesting a rezoning from A-2 General Agricultural Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-2 General Agricultural Dist., R-1 Rural

Residential Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel # 30-4-220-344-0406, located in the SE ¼ of Section 34, T2N, R20E, Town of Brighton.

Documents:

[0406 - SUBMITTED APP REZO.PDF](#)
[0406 EXHIBIT MAP REZO.PDF](#)

5. MICHAEL J. & ANN M. GROSSMAN - CERTIFIED SURVEY MAP - TOWN OF BRIGHTON

Michael J. & Ann M. Grossman, 25537 52nd St., Salem, WI 53168 (Owner), requesting a Certified Survey Map on Tax Parcel # 30-4-220-344-0406 located in the SE ¼ of Section 34, T2N, R20E, Town of Brighton.

Documents:

[0406 - SUBMITTED APP CSM.PDF](#)

6. TABLED REQUEST OF MICHAEL J. & ANN M. GROSSMAN - CERTIFIED SURVEY MAP - BRIGHTON

Tabled Request of Michael J. & Ann M. Grossman, 25537 52nd St., Salem, WI 53168 (Owner), requesting a Certified Survey Map on Tax Parcel # 30-4-220-344-0406 located in the SE ¼ of Section 34, T2N, R20E, Town of Brighton

Documents:

[0406 SUBMITTED APP CSM.PDF](#)

7. TABLED REQUEST OF JOHN P. LOURIGAN/LOURIGAN TRUST - COMPREHENSIVE PLAN AMENDMENT - PARIS

Tabled Request of John P. Lourigan/Lourigan Trust, 844 172nd Ave., Union Grove, WI 53182 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection" to "Farmland Protection", "General Agricultural & Open Land" and "Suburban-Density Residential" on Tax Parcel # 45-4-221-091-0310 located in the NE ¼ of Section 9, T2N, R21E, Town of Paris.

Documents:

[0310 SUBMITTED APP CPA.PDF](#)
[0310 EXHIBIT MAP CPA.PDF](#)

8. TABLED REQUEST OF JOHN P. LOURIGAN/LOURIGAN TRUST - REZONE - PARIS

Tabled Request of John P. Lourigan/Lourigan Trust, 844 172nd Ave., Union Grove, WI 53182 (Owner), requesting a rezoning from A-1 Agricultural Preservation Dist. to A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., R-2 Suburban Single-Family Residential Dist., C-1 Lowland Resource Conservancy Dist. & PUD Planned Unit Development Overlay Dist. on Tax Parcel # 45-4-221-091-0310 located in the NE ¼ of Section 9, T2N, R21E, Town of Paris.

Documents:

[0310 SUBMITTED APP REZO.PDF](#)
[0310 EXHIBIT MAP REZO.PDF](#)

9. TABLED REQUEST OF JOHN P. LOURIGAN/LOURIGAN TRUST - CERTIFIED SURVEY MAP - PARIS

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Documents:

[0310 SUBMITTED APP CSM.PDF](#)

10. REVIEW AND POSSIBLE APPROVAL OF ADULT ENTERTAINMENT ORDINANCE REVISIONS

Documents:

[ORD AEE CH12 05-13-2020.PDF](#)

11. EXTENSION KENOSHA COUNTY UPDATE

12. APPROVAL OF MINUTES

13. CITIZEN COMMENTS

14. ANY OTHER BUSINESS ALLOWED BY LAW

15. ADJOURNMENT

NOTICE TO PETITIONERS

The petitioners: Michael J. & Ann M. Grossman (Owner) and John P. Lourigan/Lourigan Trust (Owner)

NOTICE TO TOWNS

The Towns of Brighton and Paris are asked to be represented at the hearing on **Wednesday, May 13, 2020, at 7:00 p.m.** 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.



January 2013

COUNTY OF KENOSHA

Department of Planning and Development

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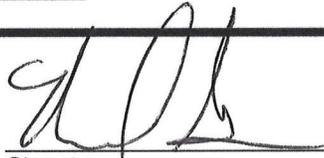
Kenosha County
Deputy County Clerk

A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY: 2035 MAP AMENDMENT APPLICATION

Kenosha County
Planning and Development

(a) Property Owner's Name:

Michael Grossman

x 
Signature

Mailing Address:

25537-52nd St

City:

Salem

State:

WI

Zip:

53168

Phone Number:

262-818-0767

E-mail (optional):

Michaeljg@tds.net

Note: If the property owner's signature cannot be obtained in the above space, a "letter of agent status" signed by the property owner must be submitted if you are an applicant (tenant, leaseholder, or authorized agent representing the legal owner) acting on their behalf.

Applicant's Name (if applicable):

Same

x

Signature

Mailing Address:

City:

State:

Zip:

Phone Number:

E-mail (optional):

(b) Existing planned land use category as shown on Map 65 of the Kenosha County comprehensive plan:

General Ag & Open Land

(c) Proposed land use category (must be a land use category included in the legend for Map 65 of the Kenosha County comprehensive plan):

General Ag, Open Land & Rural Residential



January 2013

COUNTY OF KENOSHA

Department of Planning and Development

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MAR - 6 2020

Kenosha County
Planning and Development

A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY: 2035 MAP AMENDMENT APPLICATION

(a) Property Owner's Name:

Michael Grossman

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Signature

Mailing Address:

25537-52nd St

City:

Salem

State:

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Zip:

53168

Phone Number:

262-818-0767

E-mail (optional):

michaeljg@tds.net

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Applicant's Name (if applicable):

Same

x

Signature

Mailing Address:

City:

State:

Zip:

Phone Number:

E-mail (optional):

(b) Existing planned land use category as shown on Map 65 of the Kenosha County comprehensive plan:

General Ag & Open Land

(c) Proposed land use category (must be a land use category included in the legend for Map 65 of the Kenosha County comprehensive plan):

General Ag, Open Land & Rural Residential

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-2) Is the proposed amendment compatible with surrounding land uses? Explain its compatibility with both existing and planned land uses:

yes, surrounding uses are rural residential and Ag uses.

(e-3) Will the proposed amendment have any detrimental environmental effects? Explain:

No detrimental effects to the environment. slightly smaller A-1 vs. A-2.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-6) Are existing or planned facilities and services adequate to serve the type of development associated with the amendment? Explain:

Existing services are adequate for the proposed use.

(e-7) Any additional data or information as requested by the Department of Planning and Development:

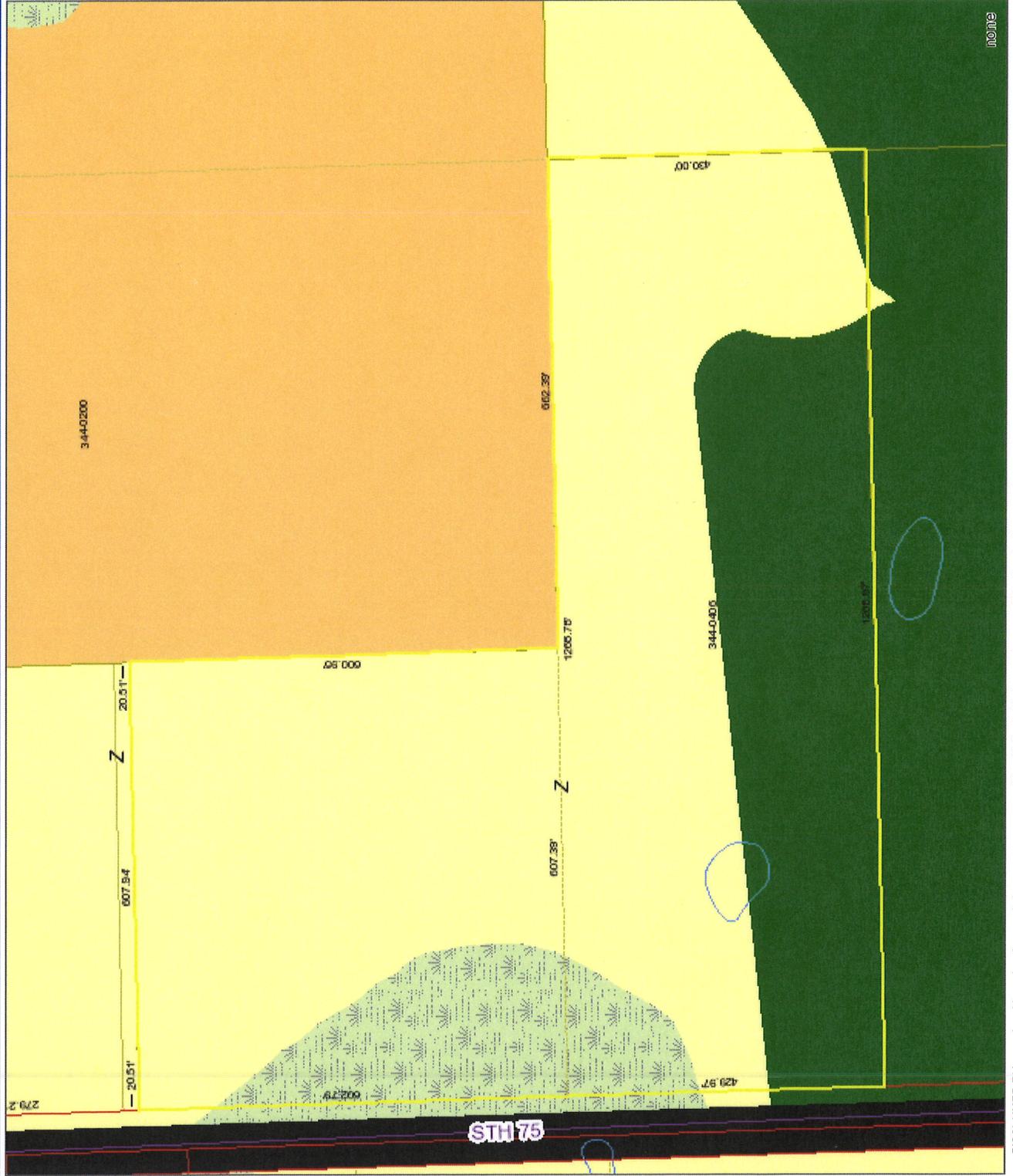
NA

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center Department of Planning & Development 19600 - 75 th Street, Post Office Box 520 Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #	857-1920
Public Works Division of Highways	857-1870
Administration Building Division of Land Information	653-2622
Brighton, Town of	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

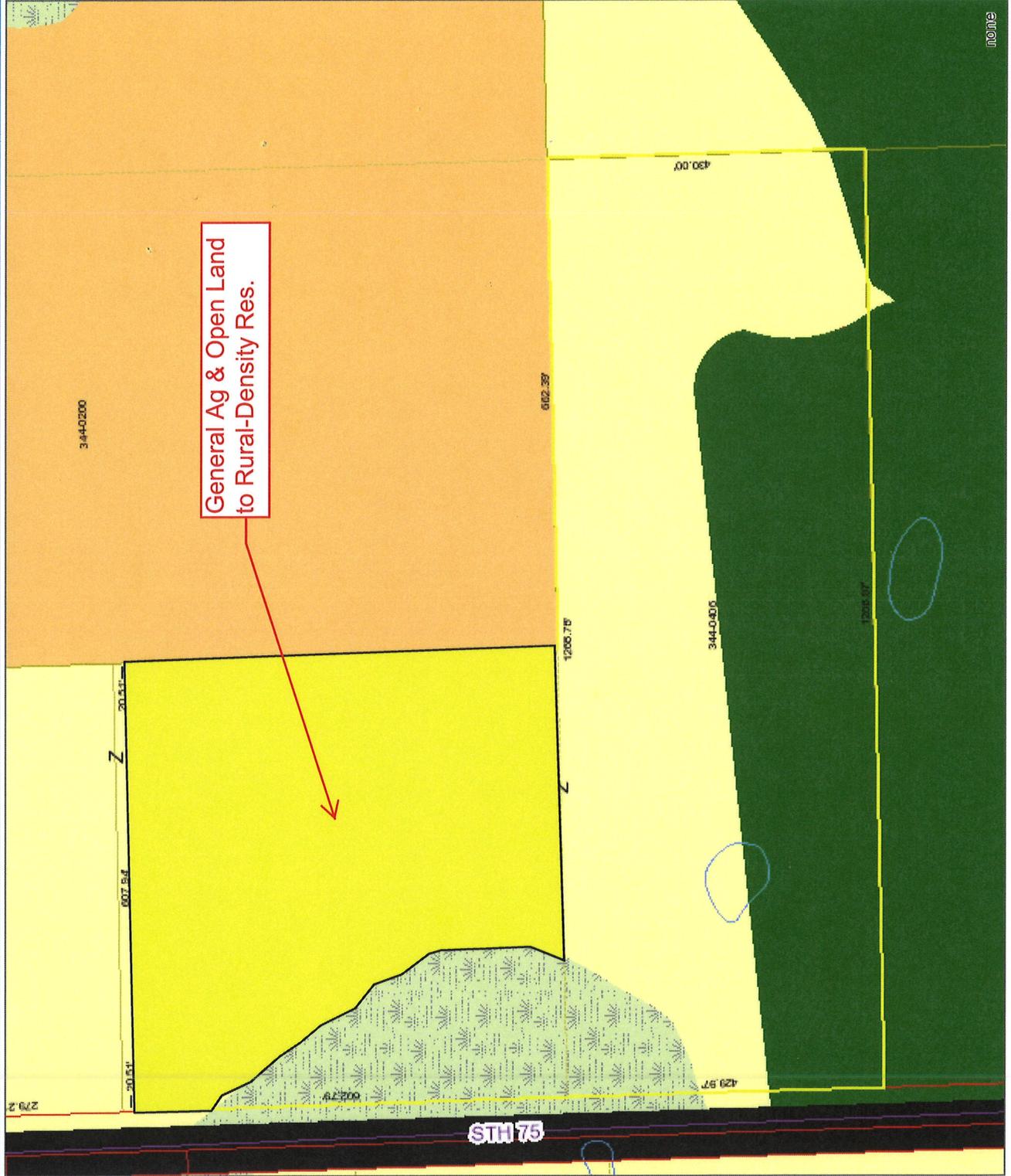
30-4-220-344-0406 - Existing Land Use Plan



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

Date Printed: 3/6/2020

30-4-220-344-0406 - Proposed Land Use Plan



Date Printed: 3/6/2020

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COMPREHENSIVE PLAN
AMENDMENT SITE MAP

PETITIONER(S):

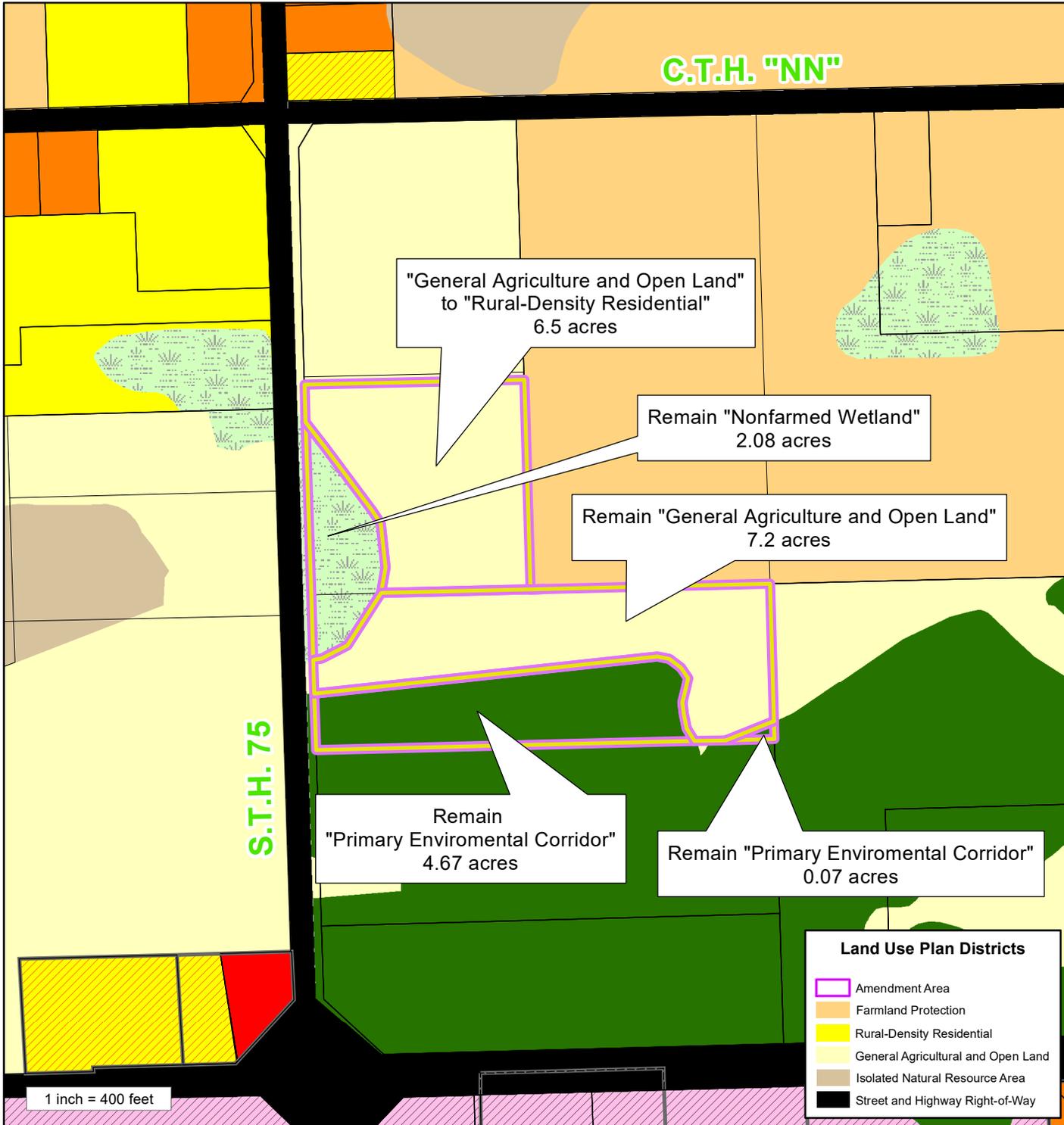
Michael J. & Ann M. Grossman (Owner)

LOCATION: SE 1/4 of Section 34
Town of Brighton

TAX PARCEL(S): #30-4-220-344-0406

REQUEST:

Requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "General Agricultural and Open Land", "Primary Environmental Corridor" & "Nonfarmed Wetland" to "General Agricultural and Open Land", "Rural-Density Residential" & "Nonfarmed Wetland"



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COUNTY OF KENOSHA

Department of Planning and Development

Kenosha County
Planning and Development

REZONING APPLICATION

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(a) Property Owner's Name:

Michael Grossman & Ann Grossman

Print Name: Michael Grossman

Signature: *[Handwritten Signature]*

MAR - 6 2020

Kenosha County
Deputy County Clerk

Mailing Address: 25537 52nd St

City: Salem

State: WI Zip: 53168

Phone Number: 262-818-0767 E-mail (optional): Michaeljg@tds.net

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status **signed** by the legal property owner **must** be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: N/A

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

(c) Tax key number(s) of property to be rezoned:

30-4-220-344-0406

Property Address of property to be rezoned:

NA

(d) Proposed use (a statement of the type, extent, area, etc. of any development project):

Single family rural use

REZONING APPLICATION

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input checked="" type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input checked="" type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input checked="" type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
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<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
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<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

REZONING APPLICATION

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035".

The existing planned land use category for the subject property is:

<input type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input checked="" type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input checked="" type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input type="checkbox"/> High-Density Residential	<input checked="" type="checkbox"/> Primary Environmental Corridor
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale. ✓

(i) The Kenosha County Department of Planning and Development may ask for additional information.

(1) Is this property located within the shoreland area?

Shoreland area is defined as the following: 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.

Yes No

(2) Is this property located within the City of Kenosha Airport affected area as defined in s. 62.23 (6) (am) 1. b.?

Yes No

(j) The name of the County Supervisor of the district wherein the property is located (District Map):

Supervisory District Number: 19 County Board Supervisor: Michael J Skalitzky

(k) The fee specified in Section 12.05-8 of this ordinance.

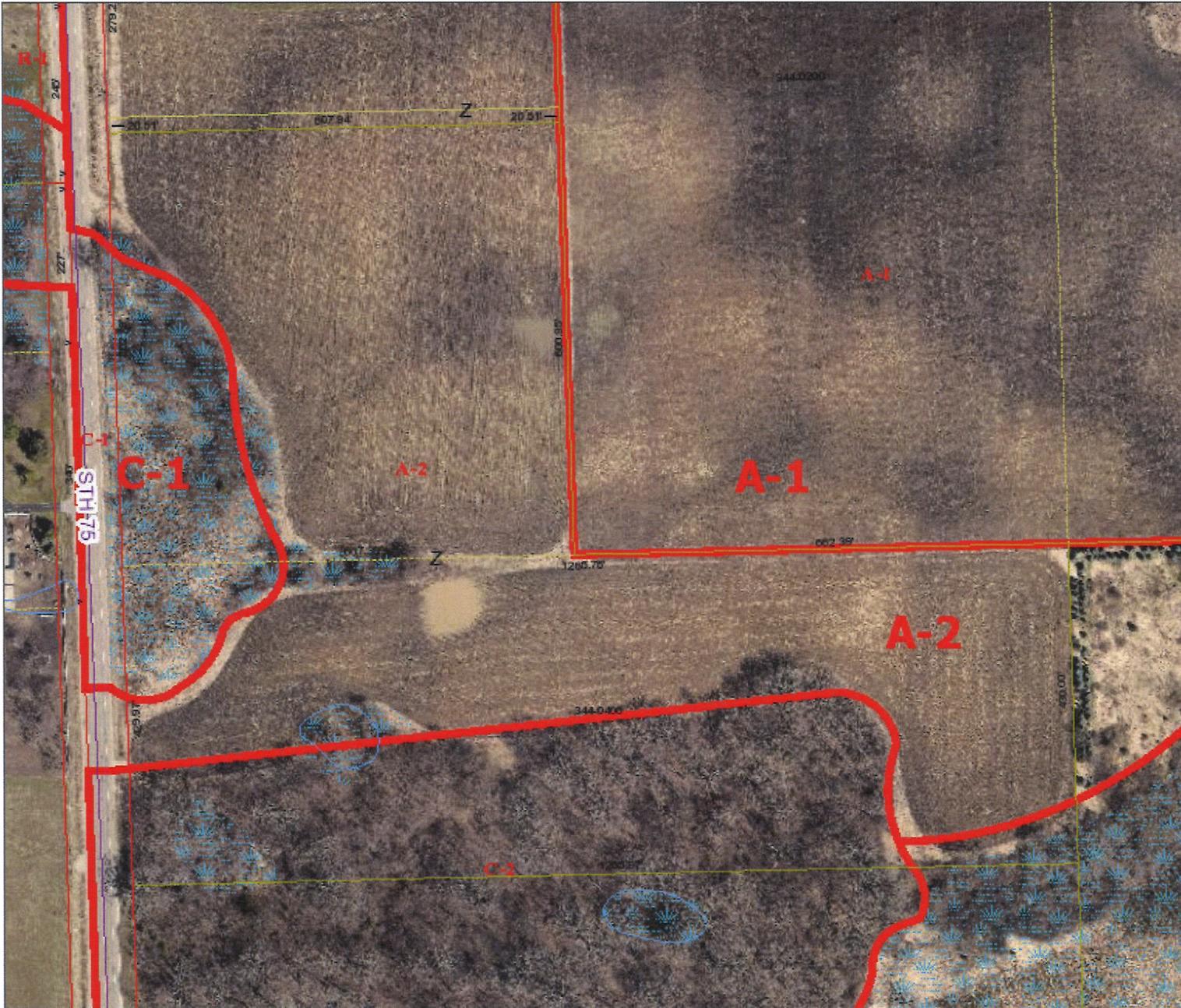
Request for Rezoning Petition\$750.00

(For other fees see the Fee Schedule)

Note: Agricultural Use Conversion Charge

The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <http://www.revenue.wi.gov/faqs/slf/useassmt.html>.

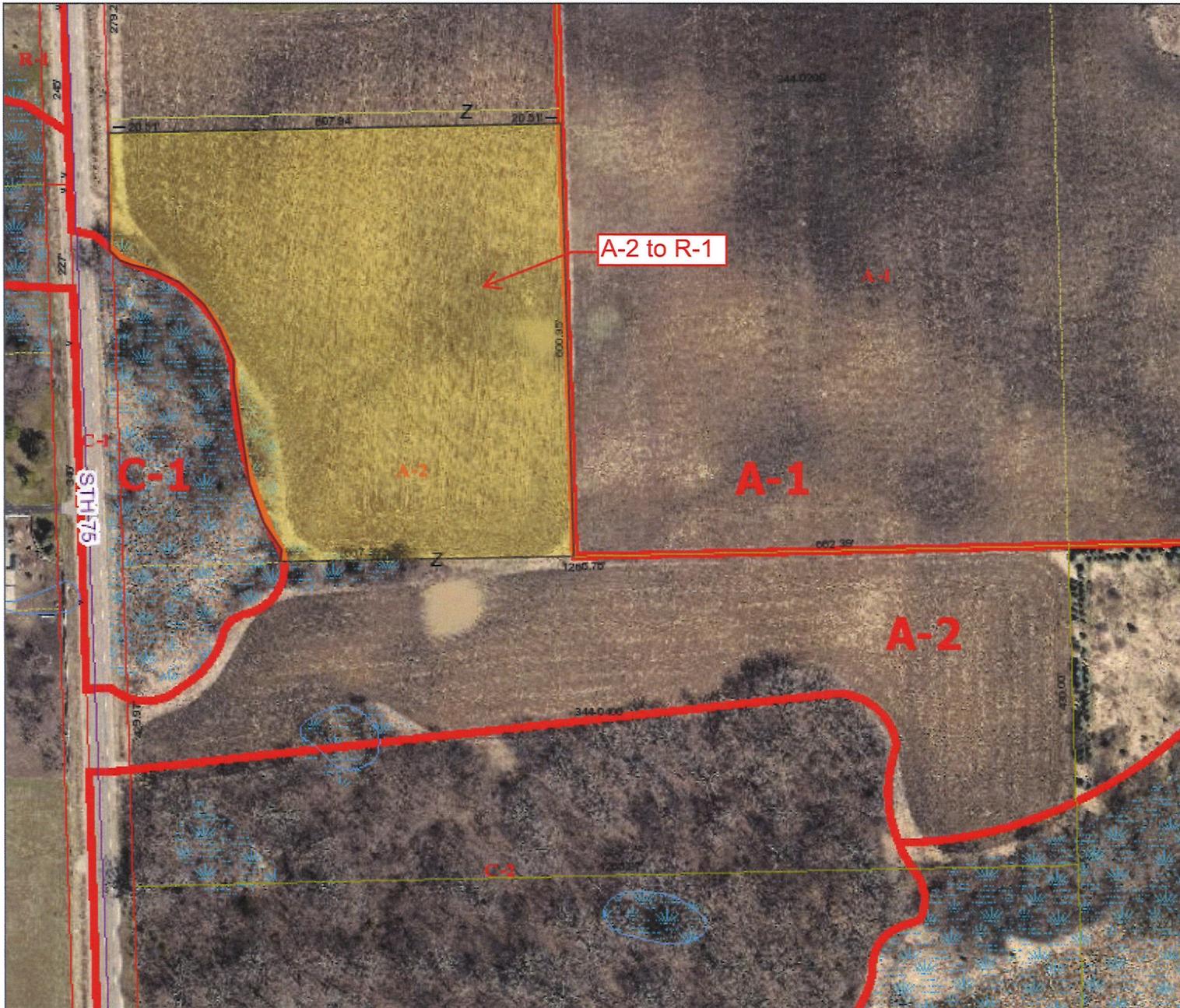
Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.



1 inch = 200 feet

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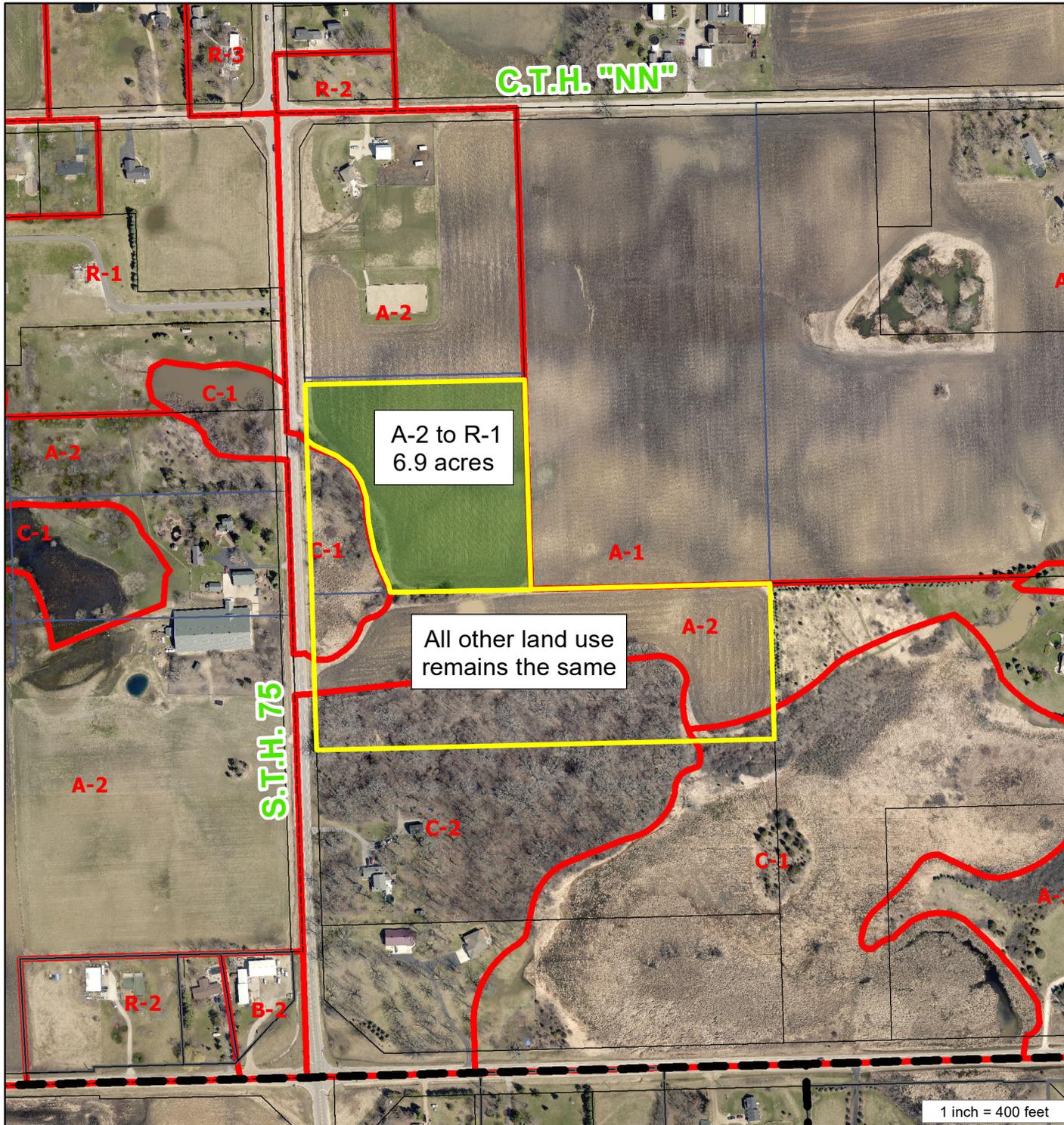
Date Printed: 3/6/2020



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Date Printed: 3/6/2020



REZONING SITE MAP

PETITIONER(S):
 Michael J. & Ann M. Grossman (Owner).

LOCATION: SE 1/4 of Section 34
 Town of Brighton

TAX PARCEL(S): #30-4-220-344-0406

REQUEST:
 Requesting a rezoning from A-2 General Agricultural Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-2 General Agricultural Dist., R-1 Rural Residential Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist.





January 2013

COUNTY OF KENOSHA

Department of Planning and Development

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MAR - 6 2020

Kenosha County
Planning and Development

LAND DIVISION APPLICATION

In order for applications to be processed, all information, drawings, application signatures, and fees required shall be submitted at time of application.

Please check the appropriate box below for the type of application being submitted:

- Certified Survey Map
- Subdivision Preliminary Plat
- Subdivision Final Plat
- Condominium Plat

Applicant is: Property Owner Subdivider Other _____

Applicant Name: Michael S Am Grossman Date 3-6-2020

Mailing Address: 25537 52nd St Phone # 262-537-3402
Salem, WI 53168 Phone # _____

Tax Parcel Number(s): 30-4-220-344-0406

_____ Acreage of Project: 2.64

Location of Property (including legal description):
See Attached

Subdivision/Development Name (if applicable): _____

Existing Zoning: A-2, C-2, C-1 Proposed Zoning: A-2, C-2, C-1, R-1

Town Land Use Plan District Designation(s) (if applicable):

Present Agricultural

Proposed Agricultural

Present Use(s) of Property: Agricultural

Proposed Use(s) of Property: Agricultural

The subdivision abuts or adjoins a state trunk highway..... Yes () No ()

The subdivision will be served by public sewer Yes () No ()

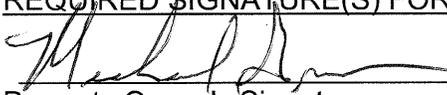
The subdivision abuts a county trunk highway Yes () No ()

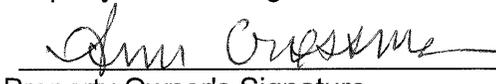
The subdivision contains shoreland/floodplain areas Yes () No ()

The subdivision lies within the extra-territorial plat (ETP) authority area of a nearby Village or City Yes () No ()

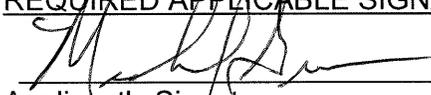
*Applicant is responsible for submitting to the ETP authority any fees and documentation needed to obtain a recommendation.

REQUIRED SIGNATURE(S) FOR ALL APPLICATIONS:

 3-6-2020
Property Owner's Signature Date

 3-6-2020
Property Owner's Signature Date

REQUIRED APPLICABLE SIGNATURES:

 3-6-2020
Applicant's Signature Date

Developer's Signature Date

CERTIFIED SURVEY MAP

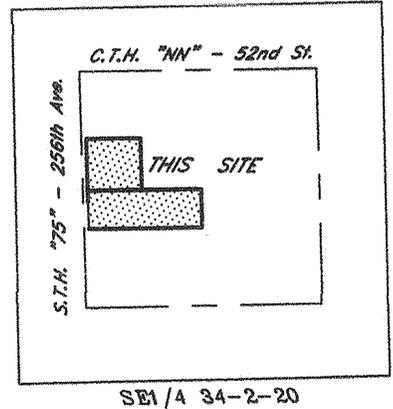
PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 34, TOWN 2 NORTH, RANGE 20 EAST,
IN THE TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN

NW COR. SE1/4
SECTION 34-2-20
N. 220,776.39
E. 2,506,419.88
(concrete monument)
Found

Co. Tr. Hwy. "NN"
(52nd Street)

TOTAL 1/4 SECTION
2654.61' - N88°44'10"E

VICINITY SKETCH
- not to scale -

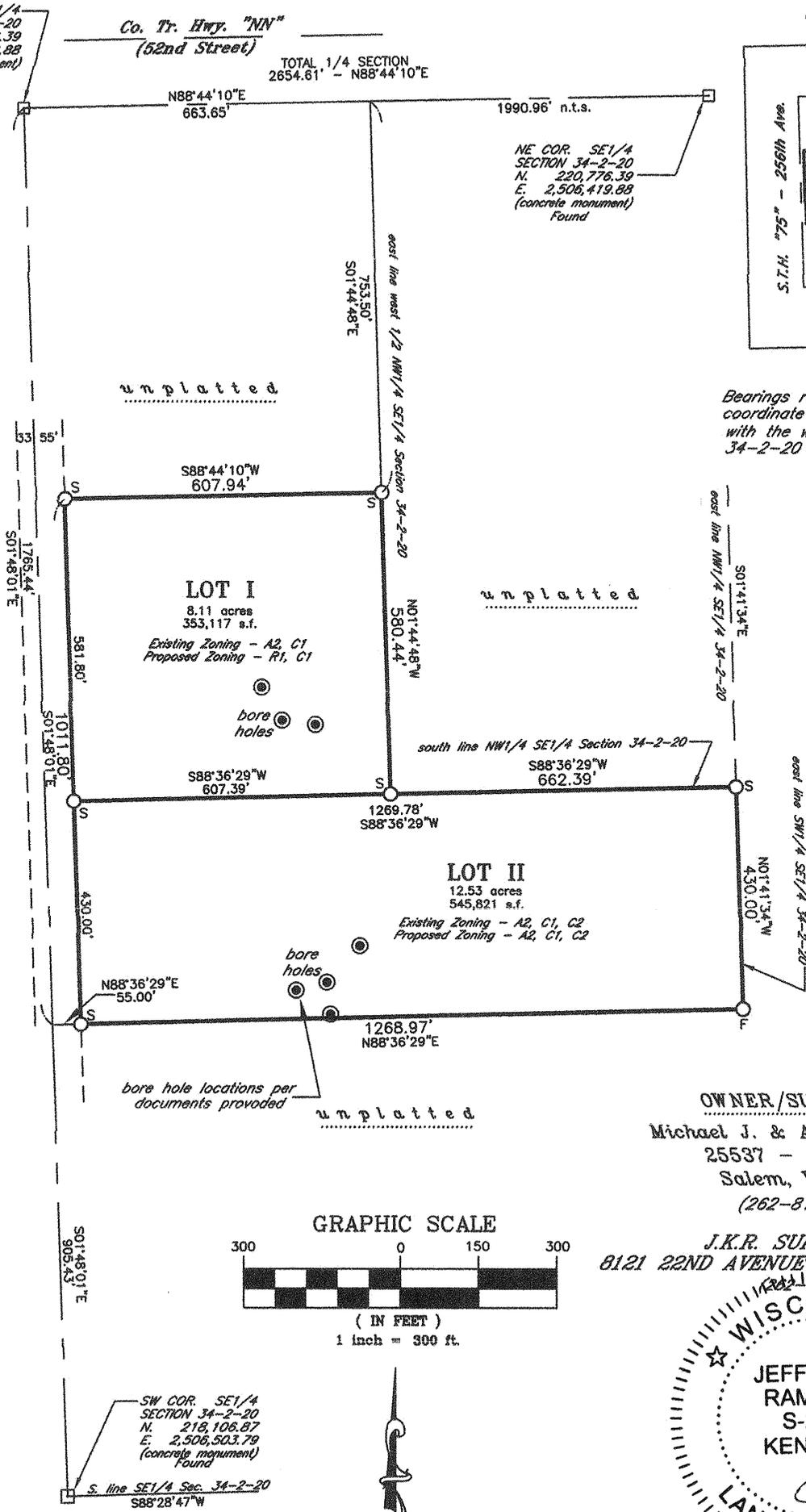


NE COR. SE1/4
SECTION 34-2-20
N. 220,776.39
E. 2,506,419.88
(concrete monument)
Found

Bearings refer to grid north, state plane
coordinate system south zone (NAD-27)
with the west line of the SE1/4 Section
34-2-20 bearing S01°48'01"E

denotes 1" x 2' iron pipe
(weight: 1.13 lbs per foot)
F=found S=set

St. Tr. Hwy. "75" - 256th Avenue



OWNER/SUBDIVIDER

Michael J. & Ann M. Crossman
25537 - 52nd Street
Salem, WI 53168
(262-818-0767)

J.K.R. SURVEYING, INC.

8121 22ND AVENUE KENOSHA, WI 53143
(262) 652-8119



WISCONSIN REGISTERED LAND SURVEYOR
JEFFREY K. RAMPART (S-2141)

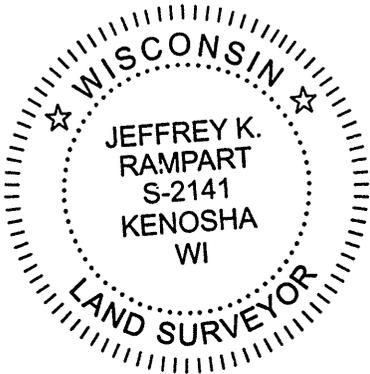
Dated... February 4, 2020
Revised 3/5/20

CERTIFIED SURVEY MAP

PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 34, TOWN 2 NORTH, RANGE 20 EAST,
IN THE TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, JEFFREY K. RAMPART, hereby certify that I have prepared this Certified Survey Map at the direction of the owners; THAT such map is a correct representation of the exterior boundaries of the land surveyed and division thereof; and is described as follows: Part of the Northwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 34, Town 2 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Brighton, Kenosha County, Wisconsin; more particularly described as: Commencing at the southwest corner of said Southeast Quarter of said Section 34; thence N01°48'01"W along the west line thereof 905.43 feet; thence N88°36'29"E 55.00 feet to the point of beginning; thence continue N88°36'29"E 1268.97 feet to the east line of the southwest quarter of said quarter section; thence N01°41'34"W along said east line 430.00 feet to the south line of the northwest quarter of said quarter section; thence S88°36'29"W along said south line 662.39 feet to the east line of the west half of the northwest quarter of said quarter section; thence N01°44'48"W along said east line 580.44 feet; thence S88°44'10"W parallel to the north line of said quarter section 607.94 feet; thence S01°48'01"E parallel to the west line of said quarter section 1011.80 feet to the point of beginning.



That I have complied with the provisions of Section 236.34 of the State Statutes on certified surveys and with Kenosha County Land Division Ordinance and the Town of Brighton Land Division Ordinance.

Dated this 4th day of February, 2020.
Revised March 5, 2020

SURVEYOR.....
JEFFREY K. RAMPART (S-2141)

As owner(s), I (we) hereby certify that I (we) caused the land described on this plat to be surveyed, divided, dedicated and mapped as represented on this plat.

OWNER.....
MICHAEL J. GROSSMAN

OWNER.....
ANN M. GROSSMAN

STATE OF WISCONSIN
KENOSHA COUNTY S.S.

Personally came before me this day of, 2020, the above named Michael J. and Ann M. Grossman to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

My Commission Expires.....
NOTARY PUBLIC

PRINT NAME.....

This certified survey map has been submitted to and approved by the Town Board of the Town of Brighton on this day of, 2020.

.....
TOWN CHAIRMAN

.....
TOWN CLERK

KENOSHA COUNTY PLANNING, DEVELOPMENT AND EXTENSION EDUCATION COMMITTEE

This Certified Survey Map is hereby approved by Kenosha County Planning, Development and Extension Education Committee on this day of, 20__.

CHAIRPERSON.....
SIGN HERE

PRINT NAME HERE.....

OWNER/SUBDIVIDER

Michael J. & Ann M. Grossman
25537 - 52nd Street
Salem, WI 53168
(262-818-0767)



January 2013

COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED

FEB - 7 2020

Kenosha County
Planning and Development

LAND DIVISION APPLICATION

In order for applications to be processed, all information, drawings, application signatures, and fees required shall be submitted at time of application.

Please check the appropriate box below for the type of application being submitted:

- Certified Survey Map
- Subdivision Preliminary Plat
- Subdivision Final Plat
- Condominium Plat

Applicant is: Property Owner Subdivider Other _____

Applicant Name: Michael & Ann Grossman Date _____

Mailing Address: 25537 52nd St Phone # 262-537-3402

Salem, WI 53168 Phone # _____

Tax Parcel Number(s): 30-4-220-344-0406

_____ Acreage of Project: 20.64

Location of Property (including legal description):

See attached

Subdivision/Development Name (if applicable): _____

Existing Zoning: A-2, C-2, C-1 Proposed Zoning: A-2, C-2, C-1

LAND DIVISION
APPLICATION

Town Land Use Plan District Designation(s) (if applicable):

Present Agricultural

Proposed Agricultural

Present Use(s) of Property: Agricultural

Proposed Use(s) of Property: Agricultural

The subdivision abuts or adjoins a state trunk highway Yes No ()

The subdivision will be served by public sewer Yes () No

The subdivision abuts a county trunk highway Yes () No

The subdivision contains shoreland/floodplain areas Yes () No

The subdivision lies within the extra-territorial plat (ETP) authority
area of a nearby Village or City Yes () No

*Applicant is responsible for submitting to the ETP authority any fees and documentation
needed to obtain a recommendation.

REQUIRED SIGNATURE(S) FOR ALL APPLICATIONS:

[Signature] 2-6-2020
Property Owner's Signature Date

[Signature] 2-6-2020
Property Owner's Signature Date

REQUIRED APPLICABLE SIGNATURES:

[Signature] 2-6-2020
Applicant's Signature Date

Developer's Signature Date

CERTIFIED SURVEY MAP

PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 34, TOWN 2 NORTH, RANGE 20 EAST,
IN THE TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN

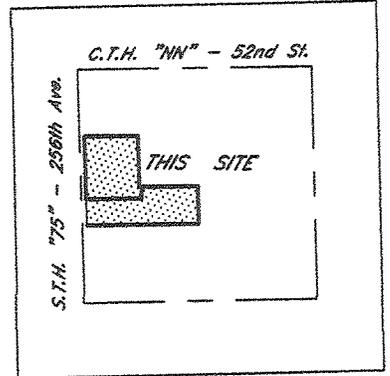
NW COR. SE1/4
SECTION 34-2-20
N. 220,776.39
E. 2,506,419.88
(concrete monument)

Co. Tr. Hwy. "NN"
(52nd Street)

TOTAL 1/4 SECTION
2654.61' - N88°44'10"E

NE COR. SE1/4
SECTION 34-2-20
N. 220,776.39
E. 2,506,419.88
(concrete monument)

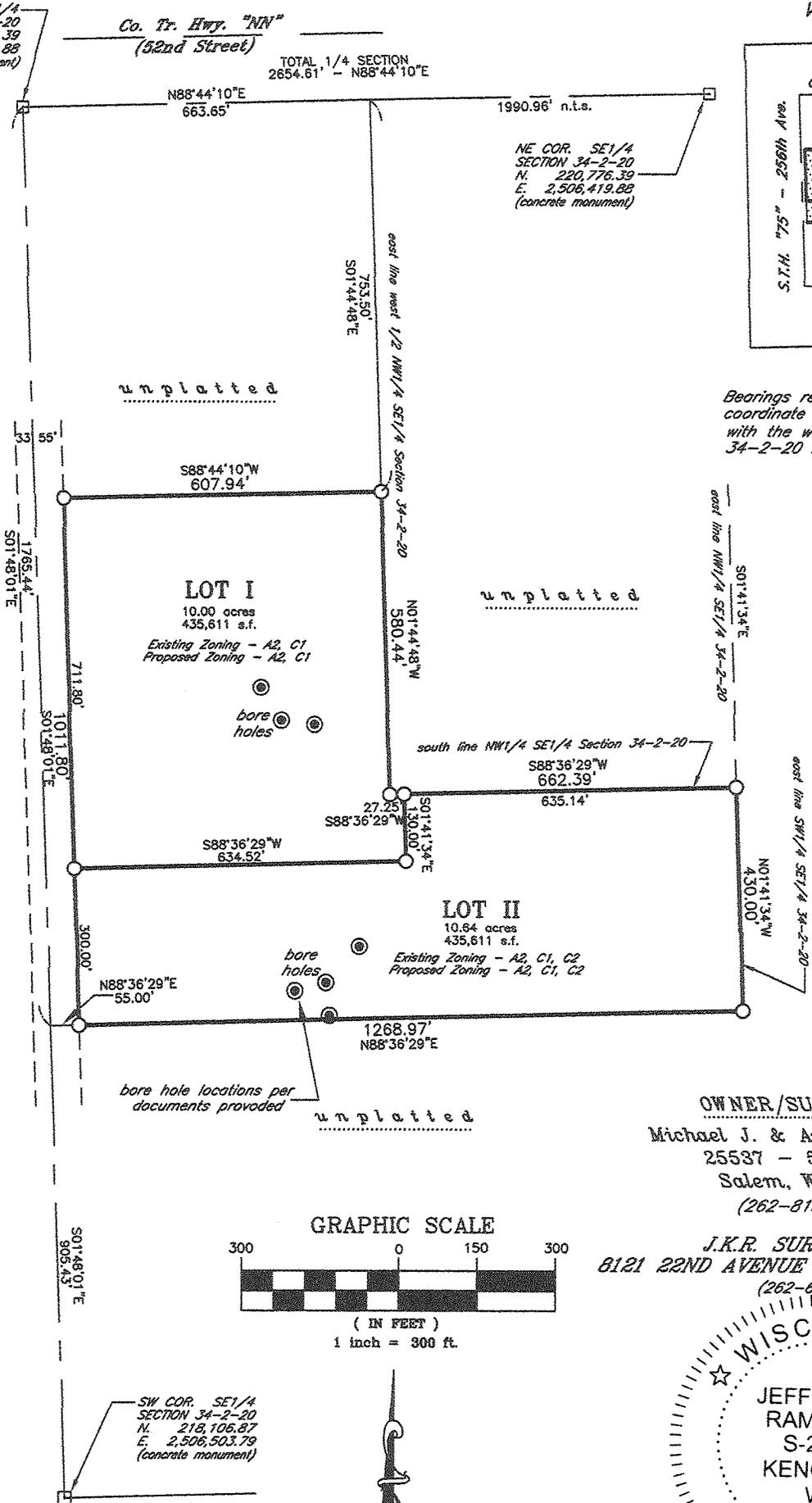
VICINITY SKETCH
- not to scale -



Bearings refer to grid north, state plane coordinate system south zone (NAD-27) with the west line of the SE1/4 Section 34-2-20 bearing S01°48'01"E

denotes 1" x 2' iron pipe
(weight: 1.13 lbs per foot)

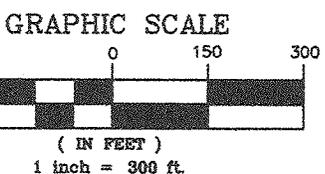
St. Tr. Hwy. "75" - 256th Avenue



LOT I
10.00 acres
435,611 s.f.
Existing Zoning - A2, C1
Proposed Zoning - A2, C1

LOT II
10.64 acres
435,611 s.f.
Existing Zoning - A2, C1, C2
Proposed Zoning - A2, C1, C2

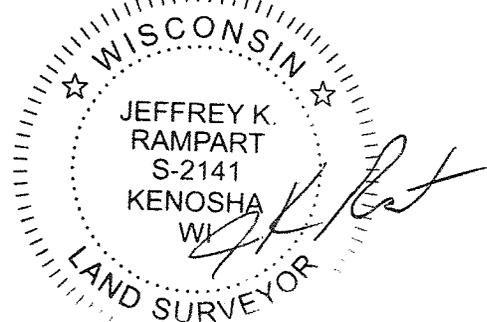
bore hole locations per documents provided



OWNER/SUBDIVIDER

Michael J. & Ann M. Grossman
25537 - 52nd Street
Salem, WI 53168
(262-818-0767)

J.K.R. SURVEYING, INC.
8121 22ND AVENUE KENOSHA, WI 53143
(262-652-8110)



WISCONSIN REGISTERED LAND SURVEYOR
JEFFREY K. RAMPART (S-2141)

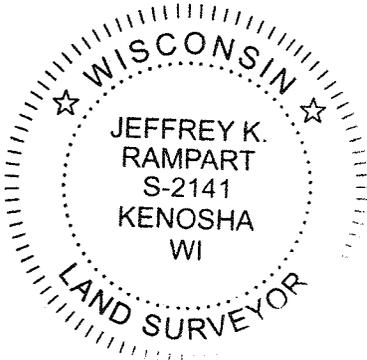
Dated... February 4, 2020

CERTIFIED SURVEY MAP

PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 34, TOWN 2 NORTH, RANGE 20 EAST,
IN THE TOWN OF BRIGHTON, KENOSHA COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, JEFFREY K. RAMPART, hereby certify that I have prepared this Certified Survey Map at the direction of the owners; THAT such map is a correct representation of the exterior boundaries of the land surveyed and described as follows: Part of the Northwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 34, Town 2 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Brighton, Kenosha County, Wisconsin; more particularly described as: Commencing at the northwest corner of said Southeast Quarter of said Section 34; thence S01°48'01"E along the west line thereof 1765.44 feet; thence N88°36'29"E 55.00 feet to the point of beginning; thence continue N88°36'29"E 1268.97 feet to the east line of the southwest quarter of said quarter section; thence N01°41'34"W along said east line 430.00 feet to the south line of the northwest quarter of said quarter section; thence S88°36'29"W along said south line 662.39 feet to the east line of the west half of the northwest quarter of said quarter section; thence N01°44'48"W along said east line 580.44 feet; thence S88°44'10"W parallel to the north line of said quarter section 607.94 feet; thence S01°48'01"E parallel to aforesaid west line of said quarter section 1011.80 feet to the point of beginning.



That I have complied with the provisions of chapter 236.34 of the State Statutes on certified surveys and with Kenosha County Land Division Ordinance and the Town of Brighton Land Division Ordinance.

Dated this 4th day of February, 2020.

SURVEYOR.....*J. K. Rampart*.....
JEFFREY K. RAMPART (S-2141)

As owner(s), I (we) hereby certify that I (we) caused the land described on this plat to be surveyed, divided, dedicated and mapped as represented on this plat.

OWNER.....*Michael J. Grossman*.....
MICHAEL J. GROSSMAN

OWNER.....*Ann M. Grossman*.....
ANN M. GROSSMAN

STATE OF WISCONSIN
KENOSHA COUNTY S.S.

Personally came before me this 4th day of February, 2020, the above named Michael J. and Ann M. Grossman to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

My Commission Expires.....7-20-2020.....*Jayne B. Ojala*.....
NOTARY PUBLIC

PRINT NAME.....*Jayne B. Ojala*.....

This certified survey map has been submitted to and approved by the Town Board of the Town of Brighton on this day of, 2020.

.....
TOWN CHAIRMAN

.....
TOWN CLERK

KENOSHA COUNTY PLANNING, DEVELOPMENT AND EXTENSION EDUCATION COMMITTEE

This Certified Survey Map is hereby approved by Kenosha County Planning, Development and Extension Education Committee on this day of, 20__.

CHAIRPERSON.....
SIGN HERE
PRINT NAME HERE.....

OWNER/SUBDIVIDER
Michael J. & Ann M. Grossman
25537 - 52nd Street
Salem, WI 53168
(262-818-0767)



January 2013

COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED

DEC 23 2019

Kenosha County
Planning and Development

A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY: 2035 MAP AMENDMENT APPLICATION

(a) Property Owner's Name:

JOHN P LOURIGAN/LOURIGAN TRUST

[Handwritten Signature]
Signature

Mailing Address:

844 172ND AVE

City: UNION GROVE

State: WI

Zip: 53182

Phone Number: 262-893-6537

E-mail (optional):

Note: If the property owner's signature cannot be obtained in the above space, a "letter of agent status" signed by the property owner must be submitted if you are an applicant (tenant, leaseholder, or authorized agent representing the legal owner) acting on their behalf.

Applicant's Name (if applicable):

x

Signature

Mailing Address:

City:

State:

Zip:

Phone Number:

E-mail (optional):

(b) Existing planned land use category as shown on Map 65 of the Kenosha County comprehensive plan:

FARMLAND PROTECTION

(c) Proposed land use category (must be a land use category included in the legend for Map 65 of the Kenosha County comprehensive plan):

GENERAL AGRICULTURAL AND OPEN LAND, SUBURBAN-DENSITY RESIDENTIAL

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(d) Proposed use (a statement of intended use and/or the type, extent, area, etc. of any development project):

Subdivide 71 AC A1 parcel into A1, A2, R2 and Ag PUD

(e) Compatibility with the Kenosha County comprehensive plan (address the following questions in detail):

(e-1) Is the proposed amendment consistent with the goals, objectives, policies, and programs of this plan? Explain:

Yes the goals of the Town of Paris are to allow for gradual growth of residential properties thru the Ag PUD plan

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-2) Is the proposed amendment compatible with surrounding land uses? Explain its compatibility with both existing and planned land uses:

Yes, surrounding area has residential properties including A1,A2, R1 and R2

(e-3) Will the proposed amendment have any detrimental environmental effects? Explain:

No

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-4) Has a substantial public benefit been demonstrated by the proposed plan amendment? Explain:

Yes to allow growth in the Town of Paris.

(e-5) Are public roads, services, and utilities available, or planned to be available in the near future, to serve the proposed development? Explain:

Not currently, but under the Ag PUD plan an eventual town road with cul-de-sac will be developed for remaining three R2 lots.

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(e-6) Are existing or planned facilities and services adequate to serve the type of development associated with the amendment? Explain:

Yes

(e-7) Any additional data or information as requested by the Department of Planning and Development:

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

(f) Attach a legal description and provide the tax key number(s) below of property to be amended on the Kenosha County comprehensive plan:

Parcel #: 45-4-221-091-0310

(g) Attach plot plan or survey plat of property to be amended on the comprehensive plan (showing location, dimensions, planned land use of adjacent properties, existing uses and buildings of adjacent properties—drawn to scale).

(h) The name of the County Supervisor of the district wherein the property is located:

Supervisory District Number: 19 County Board Supervisor: Michael J. Skalitzky

(i) Attach a copy (original newspaper clipping or certified copy from the Town) of the notice of public hearing (per section 66.1001(4)(d) of Wisconsin State Statutes) that is published by your Town at least 30 days before the public hearing is held. Include the date of publication with the copy of the notice of public hearing.

Note: Your application will not be processed by Kenosha County until a copy of the notice of public hearing and town approval letter is received by the Kenosha County Department of Planning and Development.

(j) Attach a copy of the enacted town resolution and ordinance (per section 66.1001(4)(c) of Wisconsin State Statutes) adopting the amendment to the Kenosha County comprehensive plan map.

Note: Your application will not be processed by Kenosha County until a copy of the enacted town resolution and ordinance adopting the amendment is received by the Kenosha County Department of Planning and Development.

(k) The fee specified in Section 12.05-8 of this ordinance.

Request for Land Use Plan Map Amendment \$250.00 payable to "Kenosha County"

(For other fees see the Fee Schedule)

KENOSHA COUNTY COMPREHENSIVE PLAN: 2035 MAP AMENDMENT APPLICATION

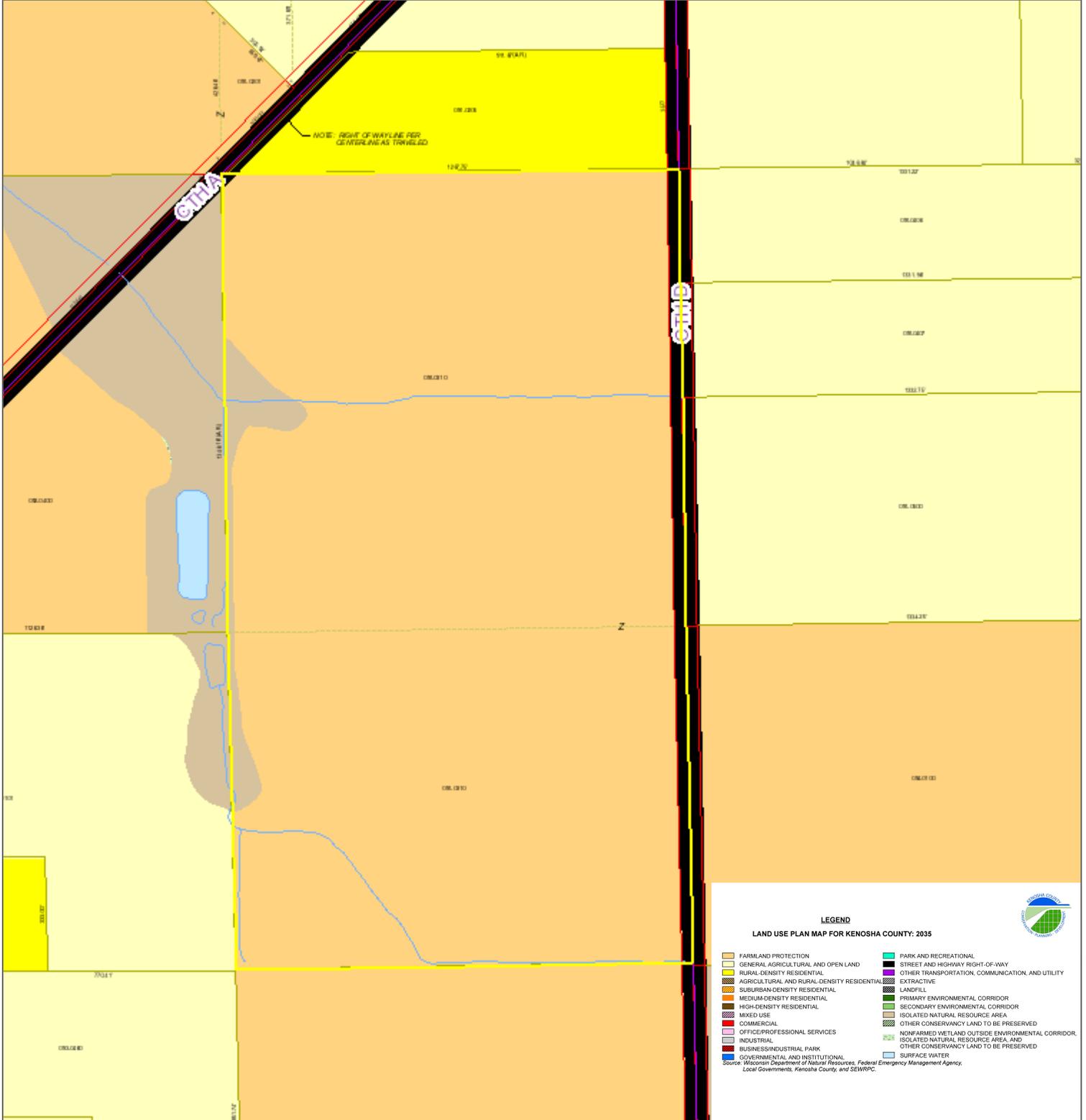
IMPORTANT TELEPHONE NUMBERS

Kenosha County Center
Department of Planning & Development
19600 - 75th Street, Post Office Box 520
Bristol, Wisconsin 53104-0520

Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways.....	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of.....	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722



1 inch = 400 feet
 Date Printed: 12/23/2019



DISCLAIMER This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

LAND USE PLAN AMENDMENT EXHIBIT:

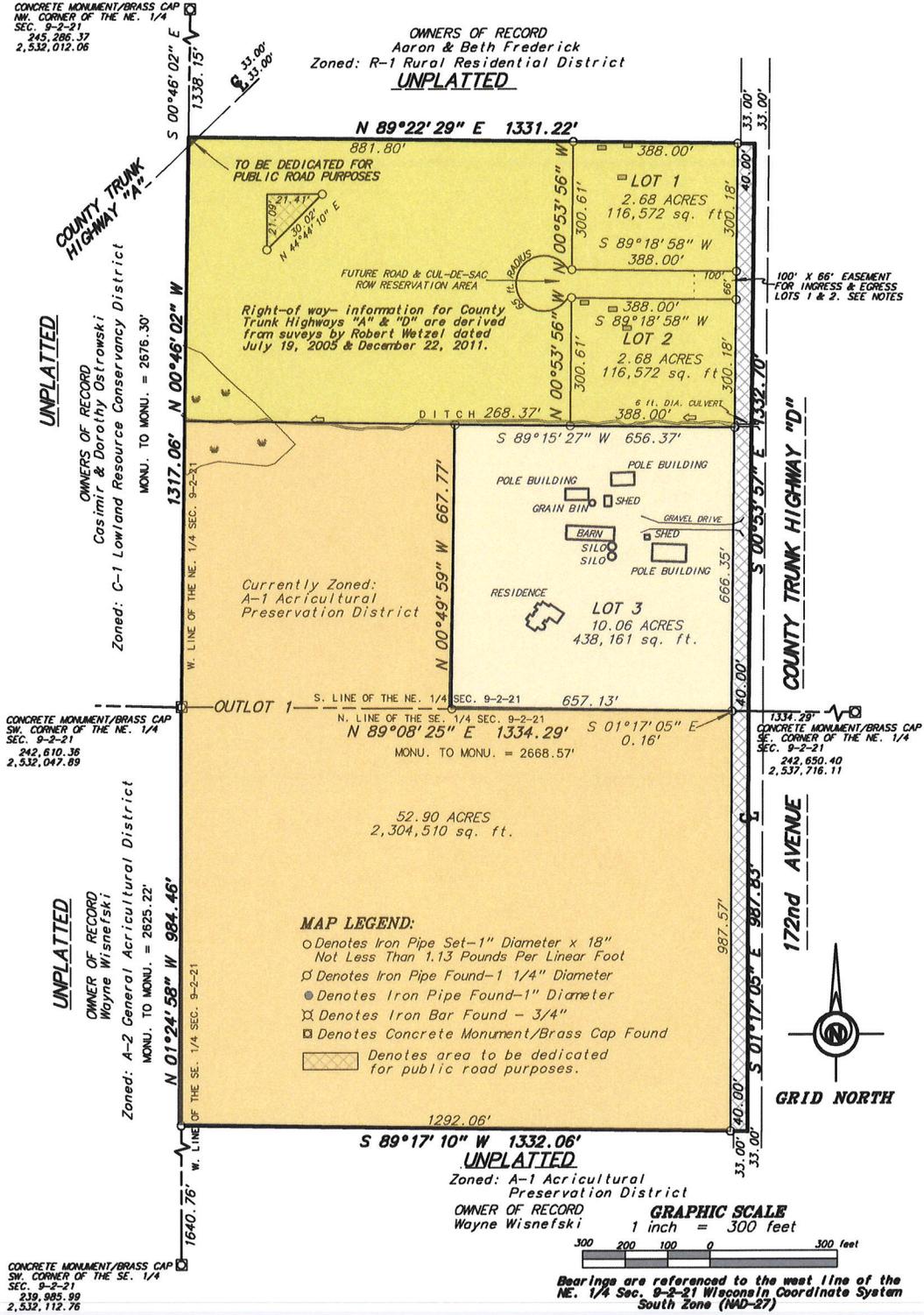
	Farmland Protection to General Ag and Open Land
	Farmland Protection to Suburban-Density Residential
	Remain Farmland Protection

KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWN 2 NORTH, RANGE 21 EAST OF THE 4TH PRINCIPAL MERIDIAN, PARIS TOWNSHIP, KENOSHA COUNTY, WISCONSIN

CONCRETE MONUMENT/BRASS CAP
NW CORNER OF THE NE. 1/4
SEC. 9-2-21
245,286.37
2,532,012.06

OWNERS OF RECORD
Aaron & Beth Frederick
Zoned: R-1 Rural Residential District
UNPLATTED



CONCRETE MONUMENT/BRASS CAP
SW CORNER OF THE NE. 1/4
SEC. 9-2-21
242,610.36
2,532,047.89

CONCRETE MONUMENT/BRASS CAP
SE CORNER OF THE NE. 1/4
SEC. 9-2-21
242,650.40
2,537,716.11

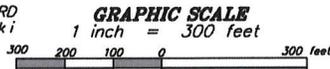
CONCRETE MONUMENT/BRASS CAP
SW CORNER OF THE SE. 1/4
SEC. 9-2-21
239,985.99
2,532,112.76

MAP LEGEND:

- Denotes Iron Pipe Set-1" Diameter x 18" Not Less Than 1.13 Pounds Per Linear Foot
- ⊘ Denotes Iron Pipe Found-1 1/4" Diameter
- Denotes Iron Pipe Found-1" Diameter
- ⊠ Denotes Iron Bar Found - 3/4"
- ◻ Denotes Concrete Monument/Brass Cap Found
- Denotes area to be dedicated for public road purposes.

UNPLATTED
Zoned: A-1 Agricultural Preservation District

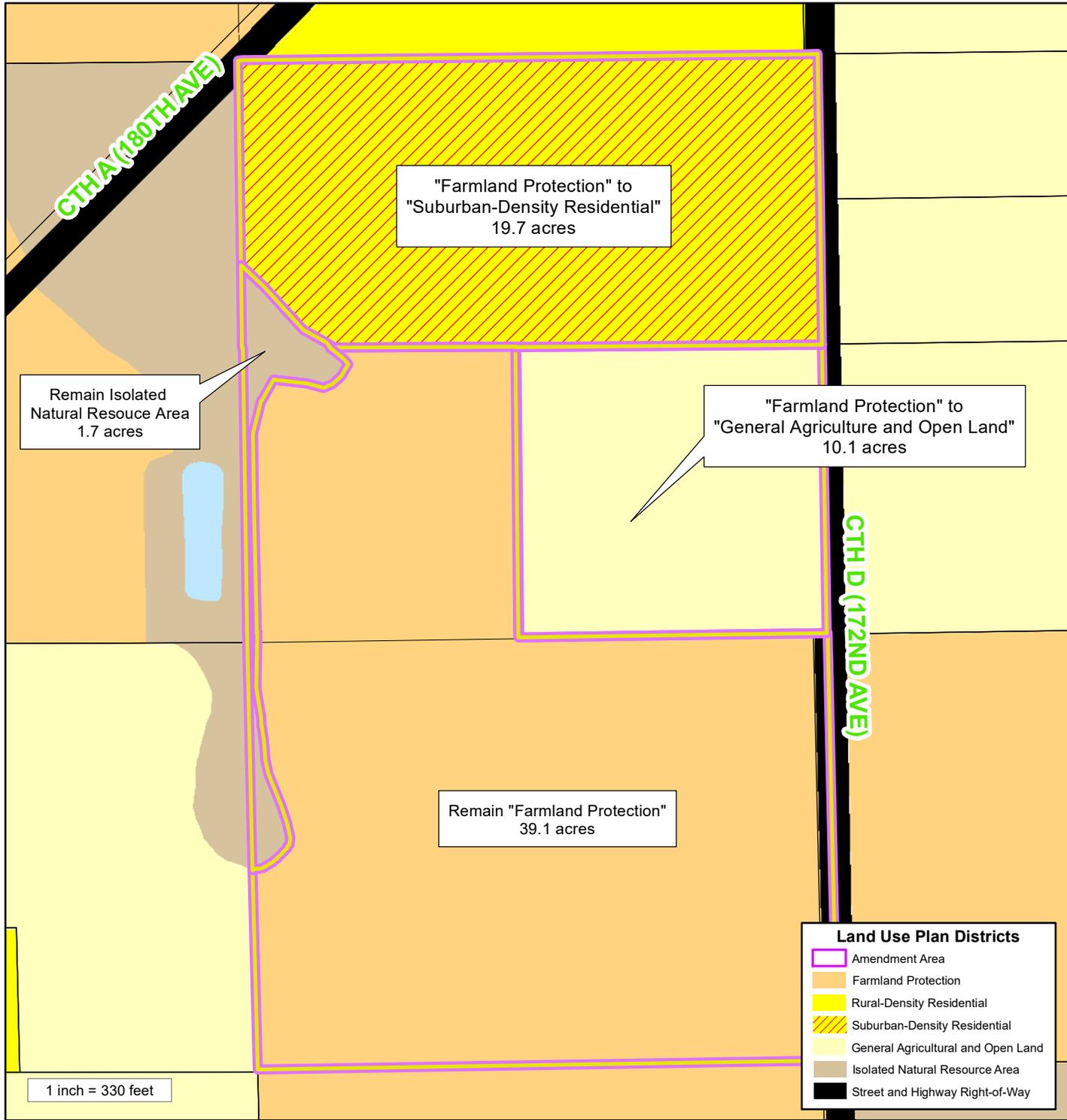
OWNER OF RECORD
Wayne Wisniewski



Bearings are referenced to the west line of the NE. 1/4 Sec. 9-2-21 Wisconsin Coordinate System South Zone (NAD-27)

Legal Description:

The North 30 acres of the West 1/2 of the Southeast 1/4, and the Southwest 1/4 of the Northeast 1/4, all in Section 9, Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Paris, County of Kenosha and State of Wisconsin The North 30 acres of the West 1/2 of the Southeast 1/4, and the Southwest 1/4 of the Northeast 1/4, all in Section 9, Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Paris, County of Kenosha and State of Wisconsin.



COMPREHENSIVE PLAN AMENDMENT SITE MAP

PETITIONER(S):

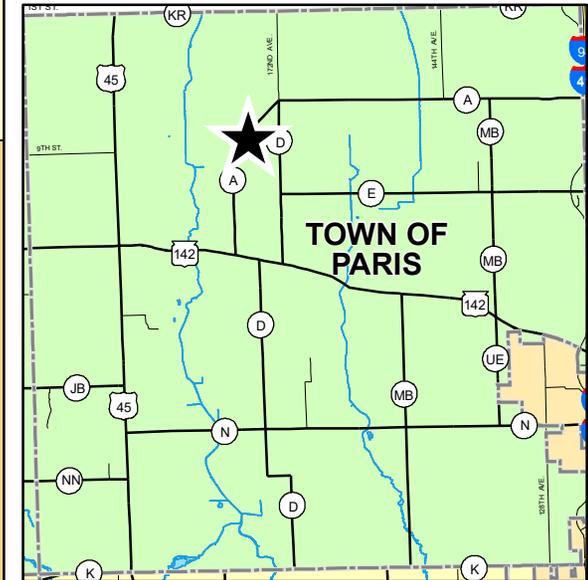
John P. Lourigan/Lourigan Trust (Owner)

LOCATION: NE 1/4 of Section 9
Town of Paris

TAX PARCEL(S): #45-4-221-091-0310

REQUEST:

Requesting an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (map 65 of the comprehensive plan) from "Farmland Protection" to "Farmland Protection", "General Agricultural & Open Land" and "Suburban-Density Residential"





COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED
 DEC 23 2019
 Kenosha County
 Planning and Development

REZONING APPLICATION

(a) Property Owner's Name:

John Lourigan Trust 3/18/2009

Print Name: John Lourigan

Signature: 

Mailing Address: 844 172nd Ave

City: Union Grove

State: WI

Zip: 53182

Phone Number: 262-893-6537

E-mail (optional): LRNJOHN@Yahoo.com

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status **signed** by the legal property owner **must** be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____

Signature: _____

Business Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail (optional): _____

(c) Tax key number(s) of property to be rezoned:

45-4-221-091-0310

Property Address of property to be rezoned:

844 172nd Ave Union Grove WI 53182

(d) Proposed use (a statement of the type, extent, area, etc. of any development project):

Subdivide A-1 parcel into A-1, A-2, R-2 and Ag PUD

REZONING APPLICATION

(e) Check the box next to any and all of the **existing** zoning district classifications present on the subject property:

<input checked="" type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

(f) Check the box next to any and all of the **proposed** zoning district classifications proposed for the subject property:

<input checked="" type="checkbox"/> A-1 Agricultural Preservation District	<input type="checkbox"/> TCO Town Center Overlay District
<input checked="" type="checkbox"/> A-2 General Agricultural District	<input type="checkbox"/> B-1 Neighborhood Business District
<input type="checkbox"/> A-3 Agricultural Related Manufacturing, Warehousing and Marketing District	<input type="checkbox"/> B-2 Community Business District
<input type="checkbox"/> A-4 Agricultural Land Holding District	<input type="checkbox"/> B-3 Highway Business District
<input type="checkbox"/> AE-1 Agricultural Equestrian Cluster Single-Family District	<input type="checkbox"/> B-4 Planned Business District
<input type="checkbox"/> R-1 Rural Residential District	<input type="checkbox"/> B-5 Wholesale Trade and Warehousing District
<input checked="" type="checkbox"/> R-2 Suburban Single-Family Residential District	<input type="checkbox"/> BP-1 Business Park District
<input type="checkbox"/> R-3 Urban Single-Family Residential District	<input type="checkbox"/> B-94 Interstate Highway 94 Special Use Business District
<input type="checkbox"/> R-4 Urban Single-Family Residential District	<input type="checkbox"/> M-1 Limited Manufacturing District
<input type="checkbox"/> R-5 Urban Single-Family Residential District	<input type="checkbox"/> M-2 Heavy Manufacturing District
<input type="checkbox"/> R-6 Urban Single-Family Residential District	<input checked="" type="checkbox"/> M-3 Mineral Extraction District
<input type="checkbox"/> R-7 Suburban Two-Family and Three-Family Residential District	<input type="checkbox"/> M-4 Sanitary Landfill and Hazardous Waste Disposal District
<input type="checkbox"/> R-8 Urban Two-Family Residential District	<input type="checkbox"/> I-1 Institutional District
<input type="checkbox"/> R-9 Multiple-Family Residential District	<input type="checkbox"/> PR-1 Park-Recreational District
<input type="checkbox"/> R-10 Multiple-Family Residential District	<input checked="" type="checkbox"/> C-1 Lowland Resource Conservancy District
<input type="checkbox"/> R-11 Multiple-Family Residential District	<input type="checkbox"/> C-2 Upland Resource Conservancy District
<input type="checkbox"/> R-12 Mobile Home/Manufactured Home Park-Subdivision District	<input type="checkbox"/> FPO Floodplain Overlay District
<input type="checkbox"/> HO Historical Overlay District	<input type="checkbox"/> FWO Camp Lake/Center Lake Floodway Overlay District
<input checked="" type="checkbox"/> PUD Planned Unit Development Overlay District	<input type="checkbox"/> FFO Camp Lake/Center Lake Floodplain Fringe Overlay District
<input type="checkbox"/> AO Airport Overlay District	
<input type="checkbox"/> RC Rural Cluster Development Overlay District	

REZONING APPLICATION

(g) Your request must be consistent with the existing planned land use category as shown on Map 65 of the adopted "[Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035](#)".

*An application to amend the land use plan categories on this parcel has been submitted in conjunction with this rezoning application.

The existing planned land use category for the subject property is:

<input checked="" type="checkbox"/> Farmland Protection	<input type="checkbox"/> Governmental and Institutional
<input checked="" type="checkbox"/> General Agricultural and Open Land	<input type="checkbox"/> Park and Recreational
<input type="checkbox"/> Rural-Density Residential	<input type="checkbox"/> Street and Highway Right-of-Way
<input type="checkbox"/> Agricultural and Rural Density Residential	<input type="checkbox"/> Other Transportation, Communication, and Utility
<input checked="" type="checkbox"/> Suburban-Density Residential	<input type="checkbox"/> Extractive
<input type="checkbox"/> Medium-Density Residential	<input type="checkbox"/> Landfill
<input type="checkbox"/> High-Density Residential	<input type="checkbox"/> Primary Environmental Corridor
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Secondary Environmental Corridor
<input type="checkbox"/> Commercial	<input type="checkbox"/> Isolated Natural Resource Area
<input type="checkbox"/> Office/Professional Services	<input type="checkbox"/> Other Conservancy Land to be Preserved
<input type="checkbox"/> Industrial	<input type="checkbox"/> Nonfarmed Wetland
<input type="checkbox"/> Business/Industrial Park	<input type="checkbox"/> Surface Water

(h) Attach a plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties, floodways and floodplains)—drawn to scale.

(i) The Kenosha County Department of Planning and Development may ask for additional information.

(1) Is this property located within the shoreland area?

Shoreland area is defined as the following: 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.

Yes No

(2) Is this property located within the City of Kenosha Airport affected area as defined in s. 62.23 (6) (am) 1. b.?

Yes No

(j) The name of the County Supervisor of the district wherein the property is located ([District Map](#)):

Supervisory District Number: 19 County Board Supervisor: Michael J. Skalitzky

(k) The fee specified in Section 12.05-8 of this ordinance.

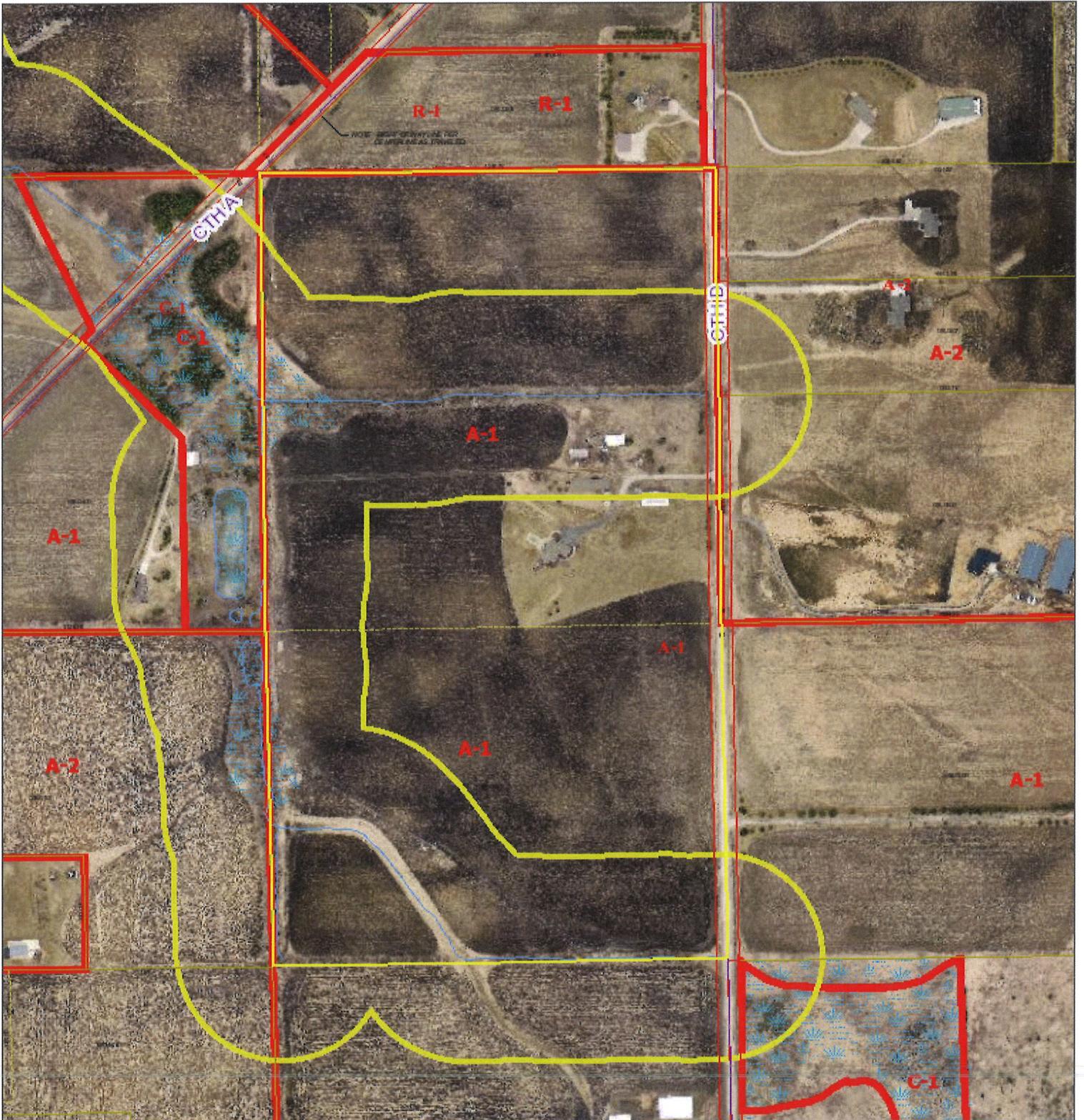
Request for Rezoning Petition\$750.00

(For other fees see the [Fee Schedule](#))

Note: Agricultural Use Conversion Charge

The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <http://www.revenue.wi.gov/faqs/slf/useassmt.html>.

Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.



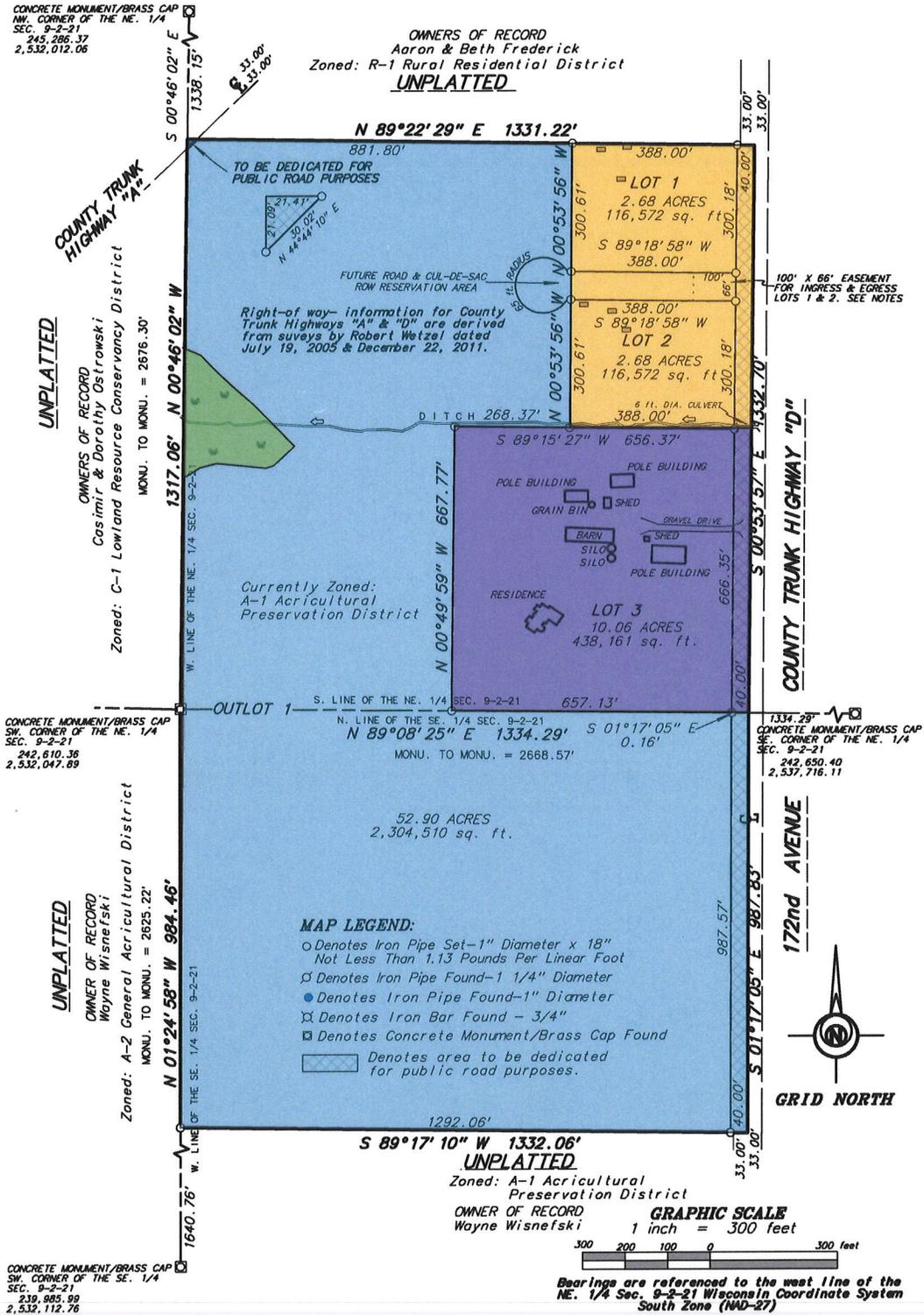
REZONING EXHIBIT:

- A-1 to A-2
- A-1 to R-2
- A-1 to C-1
- Remain A-1

PUD Planned Unit Development Overlay District over entire land division

KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWN 2 NORTH, RANGE 21 EAST OF THE 4TH PRINCIPAL MERIDIAN, PARIS TOWNSHIP, KENOSHA COUNTY, WISCONSIN

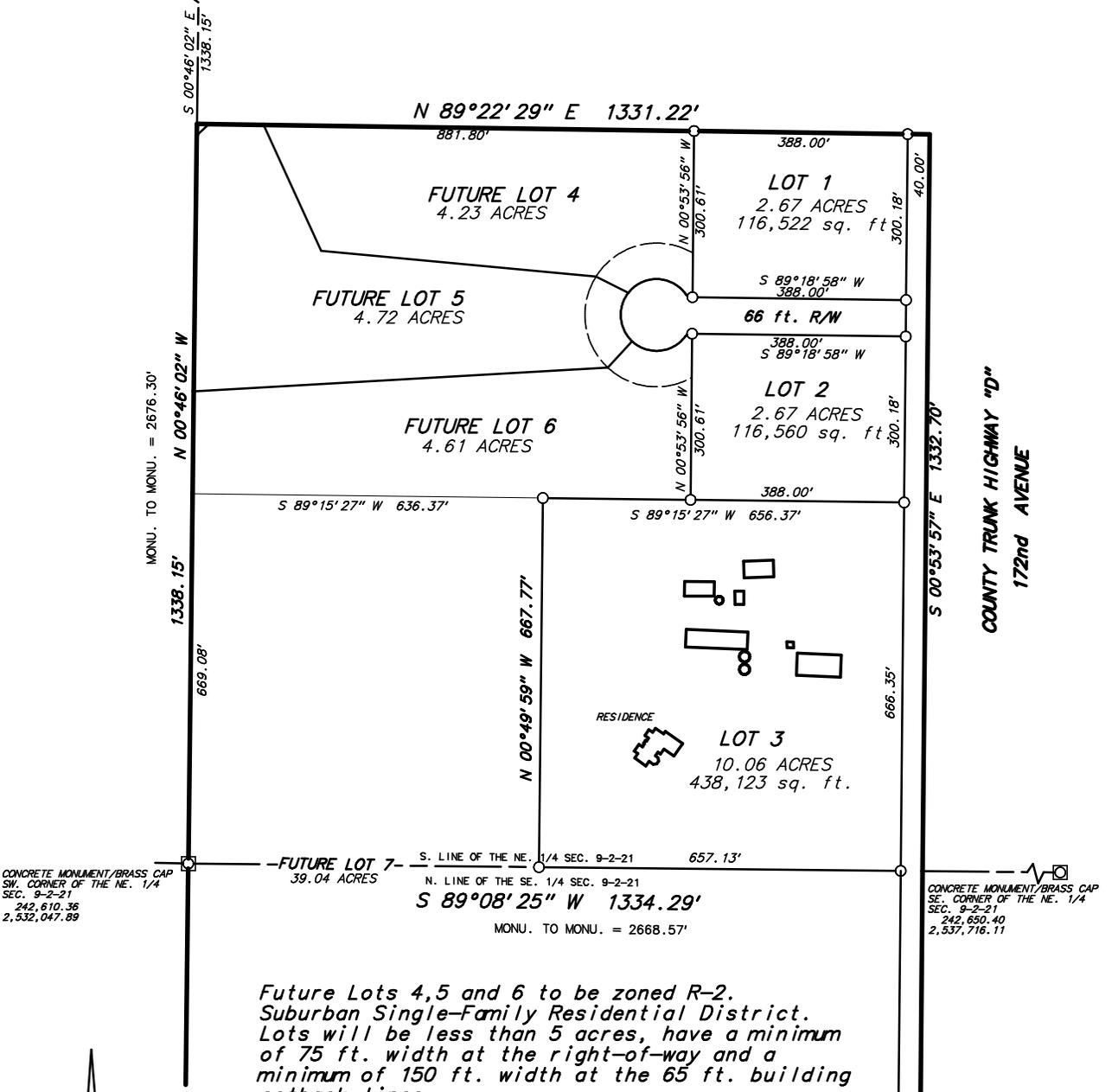


KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWN 2 NORTH, RANGE 21 EAST OF THE 4TH PRINCIPAL MERIDIAN, PARIS TOWNSHIP, KENOSHA COUNTY, WISCONSIN

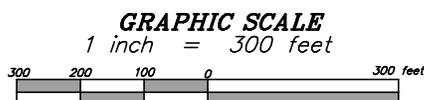
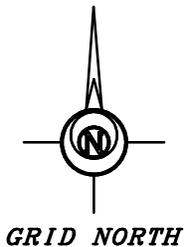
AgPUD CONCEPT PLAN

CONCRETE MONUMENT/BRASS CAP
NW CORNER OF THE NE. 1/4
SEC. 9-2-21
245,286.37
2,532,012.06



CONCRETE MONUMENT/BRASS CAP
SW CORNER OF THE NE. 1/4
SEC. 9-2-21
242,610.36
2,532,047.89

CONCRETE MONUMENT/BRASS CAP
SE CORNER OF THE NE. 1/4
SEC. 9-2-21
242,650.40
2,537,716.11



Legal Description:

The North 30 acres of the West 1/2 of the Southeast 1/4, and the Southwest 1/4 of the Northeast 1/4, all in Section 9, Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Paris, County of Kenosha and State of Wisconsin The North 30 acres of the West 1/2 of the Southeast 1/4, and the Southwest 1/4 of the Northeast 1/4, all in Section 9, Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Paris, County of Kenosha and State of Wisconsin.



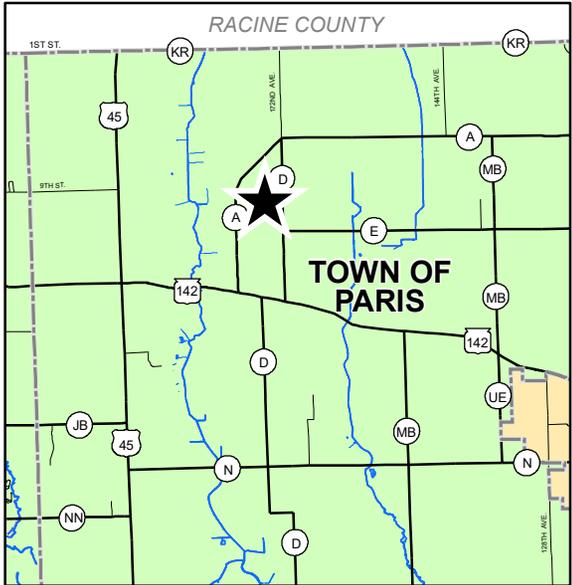
REZONING SITE MAP

PETITIONER(S):
John P. Lourigan/Lourigan Trust (Owner),

LOCATION: NE 1/4 of Section 9
Town of Paris

TAX PARCEL(S): #45-4-221-091-0310

REQUEST:
Requesting a rezoning from A-1 Agricultural Preservation District to A-1 Agricultural Preservation District, A-2 General Agricultural District, R-2 Suburban Single-Family Residential District, C-1 Lowland Resource Conservancy District & PUD Planned Unit Development Overlay District.



1 inch = 400 feet



**LAND DIVISION
APPLICATION**

Town Land Use Plan District Designation(s) (if applicable):

Present Farmland Protection

Proposed Farmland Protection, General Agricultural and Open Land, Suburban-Density Residential.

Present Use(s) of Property: Residence and Farm

Proposed Use(s) of Property: Residence and Farm

The subdivision abuts or adjoins a state trunk highway..... Yes () No (✓)

The subdivision will be served by public sewer Yes () No (✓)

The subdivision abuts a county trunk highway Yes (✓) No ()

The subdivision contains shoreland/floodplain areas Yes (✓) No ()

The subdivision lies within the extra-territorial plat (ETP) authority
area of a nearby Village or City Yes () No (✓)

*Applicant is responsible for submitting to the ETP authority any fees and documentation
needed to obtain a recommendation.

REQUIRED SIGNATURE(S) FOR ALL APPLICATIONS:

 _____
Property Owner's Signature Date 12/23/19

Property Owner's Signature Date

REQUIRED APPLICABLE SIGNATURES:

Applicant's Signature Date

Developer's Signature Date

KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

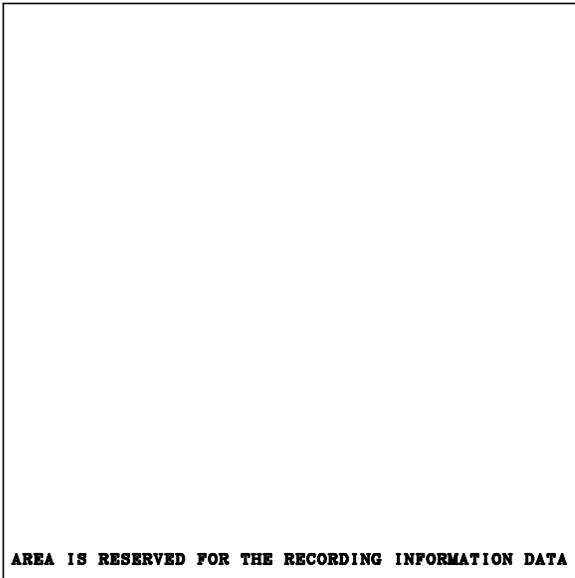
THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWN 2 NORTH, RANGE 21 EAST OF THE 4TH PRINCIPAL MERIDIAN, PARIS TOWNSHIP, KENOSHA COUNTY, WISCONSIN

OWNER & SUBDIVIDER:

John P. Lourigan
844 172nd Avenue
Union Grove, Wisconsin 53182

SURVEYED AND MAPPED BY:

AMBIT LAND SURVEYING
8120-312th Avenue
Wheatland, Wisconsin 53105
262-537-4874
ambit@tds.net



AREA IS RESERVED FOR THE RECORDING INFORMATION DATA

NOTES:

This land division is part of an approved Agricultural Preservation Planned Development (APUD) approved on _____. The overall density approved yields a maximum of seven (7) parcels. No further land divisions may occur on Lots shown on this CSM without further Town of Paris and Kenosha County approvals.

Outlot 1 is approved for agricultural uses only and no building permit for a new residence is allowed until a subsequent land division and rezoning, that meets the originally Approved AgPUD intent, is approved by the Town of Paris and Kenosha County.

100' X 66' EASEMENT FOR INGRESS & EGRESS LOTS 1 & 2 IS FOR DRIVEWAY PURPOSES AND SHALL BE MAINTAINED BY OWNERS OF SAID LOTS 1 & 2. UPON THE AREA BECOMING A RIGHT-WAY FOR FUTURE LOTS THIS EASEMENT WILL BE TERMINATED.

OWNER'S CERTIFICATE OF DEDICATION

I, John Lourigan, owner, do hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as shown. I also certify that this map is required by s.236.34 to be submitted to the Town of Paris Plan Commission and the Kenosha County Planning, Development & Extension Education Committee, for approval.

_____ Dated this _____ day of _____ 2019.
John Lourigan

STATE OF WISCONSIN }
KENOSHA COUNTY } SS

Personally came before this _____ day of _____, 2019 the aboved named John Lourigan to me known to be the person who executed the foregoing instrument and acknowledge the same.

_____ Notary Public, _____, Wisconsin.

My Commission Expires _____

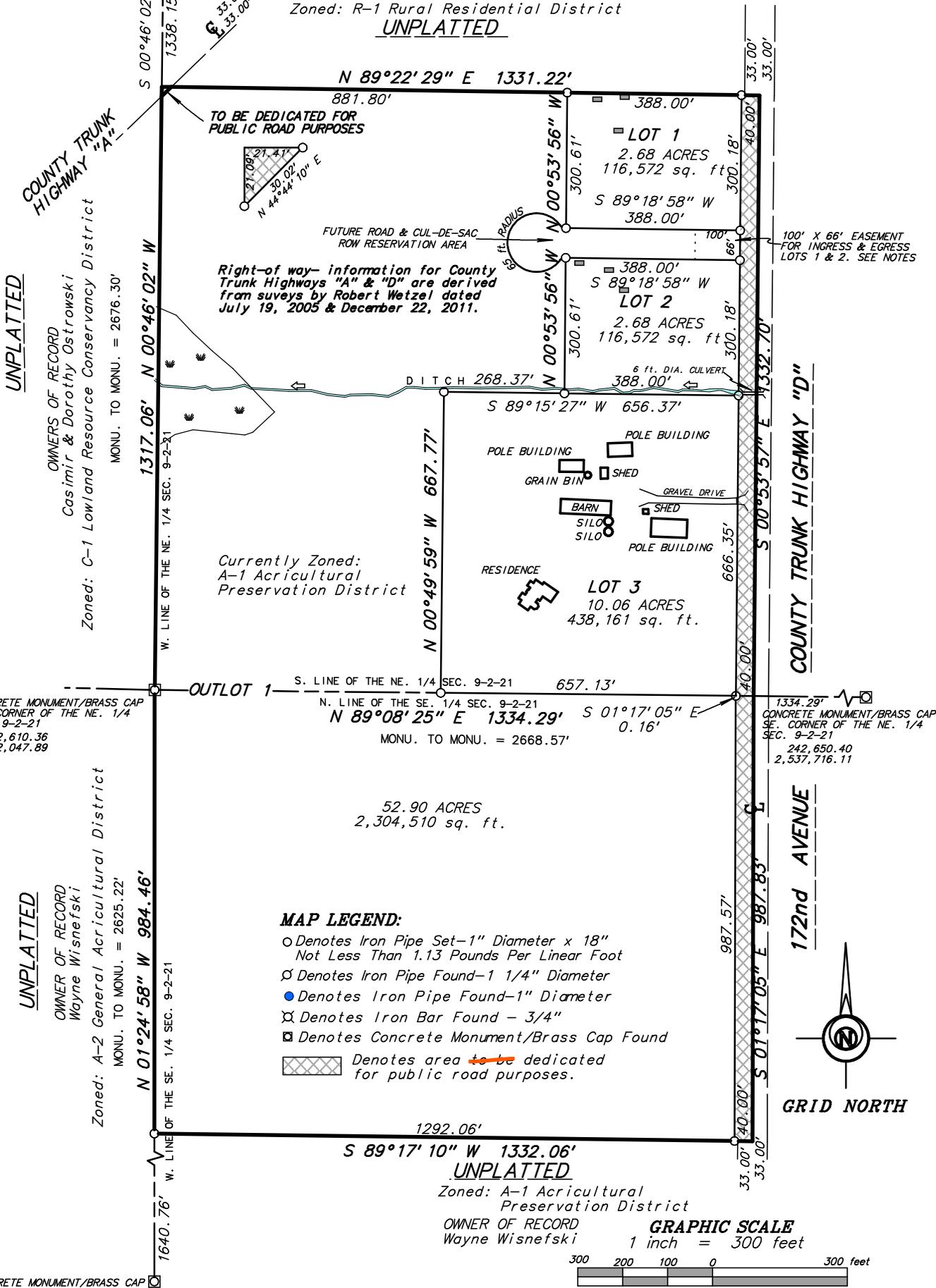
Mark A. Bolender
Wisconsin Professional Land Surveyor - 1784
July 23, 2019

KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWN 2 NORTH, RANGE 21 EAST OF THE 4TH PRINCIPAL MERIDIAN, PARIS TOWNSHIP, KENOSHA COUNTY, WISCONSIN

CONCRETE MONUMENT/BRASS CAP
NW CORNER OF THE NE. 1/4
SEC. 9-2-21
245,286.37
2,532,012.06

OWNERS OF RECORD
Aaron & Beth Frederick
Zoned: R-1 Rural Residential District
UNPLATTED



UNPLATTED

OWNERS OF RECORD
Casimir & Dorothy Ostrowski
Zoned: C-1 Lowland Resource Conservancy District
MONU. TO MONU. = 2676.30'

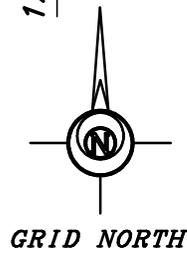
UNPLATTED

OWNER OF RECORD
Wayne Wisniewski
Zoned: A-2 General Agricultural District
MONU. TO MONU. = 2625.22'

CONCRETE MONUMENT/BRASS CAP
SW CORNER OF THE NE. 1/4
SEC. 9-2-21
242,610.36
2,532,047.89

CONCRETE MONUMENT/BRASS CAP
SW CORNER OF THE SE. 1/4
SEC. 9-2-21
239,985.99
2,532,112.76

CONCRETE MONUMENT/BRASS CAP
SE CORNER OF THE NE. 1/4
SEC. 9-2-21
242,650.40
2,537,716.11



UNPLATTED
Zoned: A-1 Agricultural Preservation District
OWNER OF RECORD
Wayne Wisniewski

KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWN 2 NORTH, RANGE 21 EAST OF THE 4TH PRINCIPAL MERIDIAN, PARIS TOWNSHIP, KENOSHA COUNTY, WISCONSIN

I, Mark A. Bolender, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped the North 30 acres of the West Half of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter, all in Section 9, Township 2 North, Range 21 East of the 4th Principal Meridian, Town of Paris, Kenosha County, Wisconsin described as follows: COMMENCING at the northwest corner of the Northeast Quarter of said section; THENCE South 00 degrees 46 minutes 02 seconds East, grid bearing from North, Wisconsin Coordinate System, South Zone, NAD 27, along the west line of said section 1338.15 feet to the POINT OF BEGINNING of the land to be described; THENCE North 89 degrees 22 minutes 29 seconds East 1331.22 feet; THENCE South 00 degrees 53 minutes 57 seconds East 1332.70 feet; THENCE South 01 degrees 17 minutes 05 seconds East 987.83 feet; THENCE South 89 degrees 17 minutes 10 seconds West 1332.06 feet to a point on the west line of the Southeast Quarter of said section; THENCE North 01 degree 24 minutes 58 seconds West 984.46 feet; THENCE North 00 degrees 46 minutes 02 seconds West 1338.15 feet to the POINT OF BEGINNING.

Said land containing 3,094,362 sq. ft./71.04 acres, more or less.

That I have made such survey, land division, and map by the direction of John Lourigan, owner, of the land described.

That such map is a correct representation of the exterior boundaries of the land surveyed and the division thereof.

That I have fully complied with the provisions of s.236.34, Wisconsin Statutes and the land division ordinances for Kenosha County and the Town of Paris in surveying, dividing and mapping the same.

Dated this _____ day of _____, 2019.

*Mark A. Bolender
Wisconsin Professional Land Surveyor S-1784*

PARIS TOWN BOARD APPROVAL CERTIFICATE

*Approved by the Town Board of Paris, Kenosha County, Wisconsin,
on this _____ day of _____ 2019.*

John Holloway - Chairman

Diana Coughlin - Clerk

KENOSHA COUNTY PLANNING, DEVELOPMENT & EXTENSION EDUCATION COMMITTEE APPROVAL

STATE OF WISCONSIN }
COUNTY OF KENOSHA }

This Certified Survey Map was hereby approved by the Kenosha County Planning, Development and Extension Education Committee on this _____ day of _____, 2019.

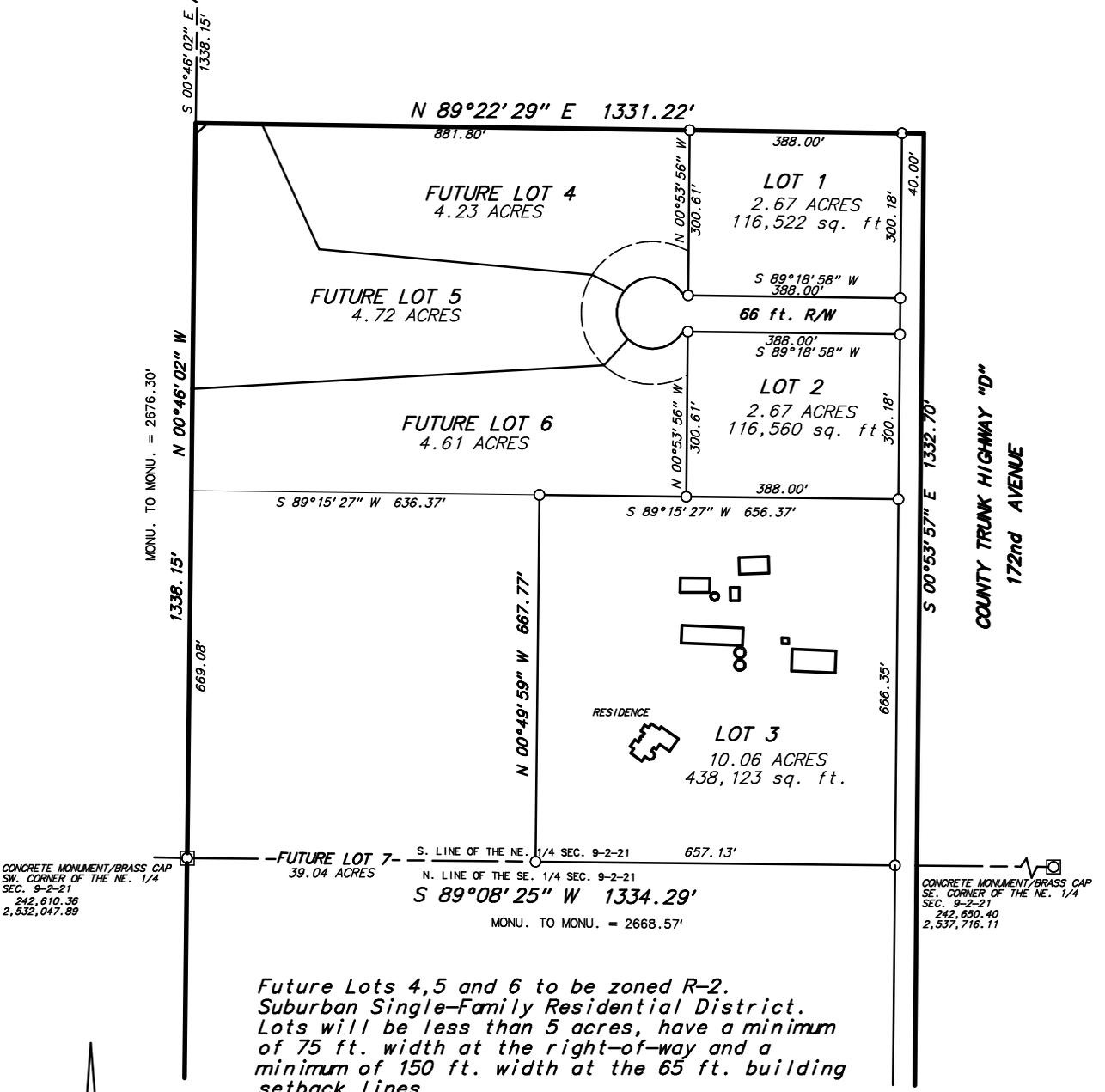
Chairperson - Erin Decker

KENOSHA COUNTY CERTIFIED SURVEY MAP NO. _____

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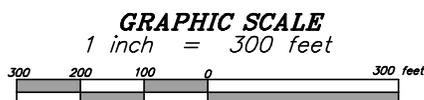
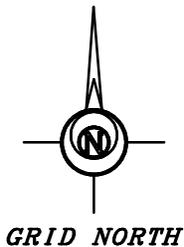
AgPUD CONCEPT PLAN

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NW CORNER OF THE NE. 1/4
SEC. 9-2-21
245,286.37
2,532,012.06



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CONCRETE MONUMENT/BRASS CAP
SE CORNER OF THE NE. 1/4
SEC. 9-2-21
242,650.40
2,537,716.11

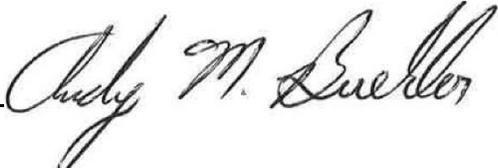


Mark A. Bolender
Wisconsin Professional Land Surveyor - 1784
July 23, 2019

KENOSHA COUNTY

BOARD OF SUPERVISORS

ORDINANCE NO.

Subject: Amendment of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Amending Section 12.22-6 Adult Establishments	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted: May 13, 2020	Date Resubmitted:
Submitted By: PDEEC Committee	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: Andy Buehler, Director Division of Planning and Development	Signature: 

THE KENOSHA COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN that the Municipal Code of Kenosha County Chapter 12.22-6, is amended as per the attachment marked Exhibit "A."

Approved by:

Planning, Development and Extension Education Committee

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ Daniel Gaschke, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Amy Maurer, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Sandra Beth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Gabe Nudo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Zach Rodriguez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

UPDATED KENOSHA ORDINANCE

DRAFT as of April 25 October 31 February 28 March 9, 202019

12.22-6 ADULT ESTABLISHMENTS

~~(a)~~ (a) **Intent.**

1. ~~Mindful of the fact that it is t~~The intent of this Ordinance is regulate Adult Establishments and related activities to protect the health, safety, ~~and~~ morals, and general welfare of the citizens of Kenosha County, ~~and~~ to further preserve the quality of family life as well as and to preserve the rural and urban characteristics of its neighborhoods in Kenosha County, ~~and~~ to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods, and also to mindful of avoid the the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment, ~~mitigate and also mindful of the~~ criminal activity and disruption of public peace associated with such establishments, ~~and also to and also mindful of prevent~~ the unsanitary and unhealthful conditions associated with such establishments. The intent is to establish reasonable and uniform provisions to regulate Adult Establishments within Kenosha County. , 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. It is not the intent or effect to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Additionally, it is not the intent or effect to limit or restrict the lawful activities permitted under Wisconsin Statutes Chapter 125, "Alcohol Beverages" ~~ch. 125, Wis. Stats., and ch. 8, Kenosha eCounty Code of Ordinances Chapter 8, "Licenses and Permits."~~ 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.

2. Kenosha County Board of Supervisors seeks to improve the effectiveness of existing and previously adopted regulations, including Sections 12.26-3 and 12.29-8(b)2, and subsequently 12.22-6, for the purposes of limiting the secondary effects of Adult Establishments and related activities. Where developments in the law have subsequently rendered prior regulations ineffective, the intent of this ordinance is to effectuate zoning regulations to accomplish the intent outlined in § (a)(1) above. [†]

[†]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); Ellieottville, 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^{II} 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. 80, 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); *Deja 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); *Colacureio 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 amebiasis, 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

(b) Findings. Premised on evidence showing the adverse secondary effects of Adult Establishments on the community², this ordinance recognizes and seeks to reduce the following impacts of Adult Establishments while fully protecting the constitutional rights of citizens:

~~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 these 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.)~~

² The adverse secondary effects of adult establishments as presented in hearing(s) and in studies made available to the County by other communities and in findings incorporated in cases including but not limited to the following studies: 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), the following cases: *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.

1. Adult business 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.
2. Adult Establishments lend themselves to ancillary unlawful and unhealthy activities that are not presently effectively controlled by the operators of the establishments.
3. Adult Establishments contribute to the physical deterioration and blight of nearby neighborhoods, with greater adverse impacts on residential than on non-residential properties, and have other adverse secondary effects on property up to at least 1,0600 feet from the adult establishments.
4. Neighborhoods where adult business establishments are located have increased levels of criminal activities, especially sex-related crimes.
5. Prostitution, sexual assaults, and other criminal activity occur at Adult Establishments and persons frequent certain adult theaters or other Adult Establishments for the purpose of engaging in sex within the premises.
6. Video viewing booths are often used by patrons of adult business 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, prostitution, and other activities that occur in Adult Establishments 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 amebiasis, salmonella infections, and shigella infections.

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); *Deja 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 the following statistics from the U.S. Department of Health and Human Services and Centers for Disease Control and Prevention.

7. Adult establishments have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns including, but not limited to, the general welfare, health, morals, and safety of the citizens of the County.

(c) 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."**Bookstore:** An establishment having at least 25% of its:
 - a. Retail floor space used for the display of adult products; or
 - b. Stock in trade consisting of adult products; or
 - c. Weekly revenue derived from adult products.

For purposes of this definition, the phrase adult products means books, films, magazines, motion pictures, periodicals or other printed matter, or photographs, video cassettes, Compact Discs (CDs), DVDs, Blu-Ray Discs, slides, tapes records or other forms of visual or audio representations that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the phrase adult products also means a device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to bather restraints, body piercing implements (excluding earrings or other decorative jewelry), chains, dildos, muzzles, non-medical enema kits, phallic shaped vibrators, racks, whips and other tools of sado-masochistic abuse.

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.**Cabaret:** A night club, bar, theatre, restaurant or similar establishment that regularly features:
3. **Adult Cabaret.** An establishment or business which regularly or on a frequently recurring basis features live entertainment that is
 - a. Live performances by bottomless and/or topless dancers, exotic dancers, go-go dancers, strippers, or similar entertainers, where such performances are 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, specified sexual activities or by exposure of specified anatomical areas;

- b. Films, motion pictures, slides, video cassettes, CDs, DVDs, Blu-Ray Discs, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons; or
- c. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.

3. ~~Adult Drive-In Theatre:~~ Adult Drive-In Theatre: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of films, motion pictures, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

4.3. _____

4. ~~Adult Entertainment Establishment:~~ Adult Entertainment Establishment: Is defined to include adult cabarets, adult modeling studios, and adult motion picture theaters. ~~An Aadult bBookstore, Adult Cabaret, Adult Drive-In Theatre, Adult Live Entertainment Arcade, aAdult mMini mMotion pPictures tTheatre, Adult Motel, -aAdult mMotion pPicture tArcadeheatre, Aadult -mMotion Ppicture Theaterareade, or adult cabaret, adult drive-in theatre, adult live entertainment areade or Aadult Sservices Eestablishment.~~

5. ~~Adult Establishments:~~ Adult Establishments: Is defined to include adult entertainment establishments and adult retail establishments as defined herein. Live Entertainment Arcade: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed, screened area, or booth a series of live dance routines or strip performances, or other gyrational choreography, which choreography, performances, or routines are distinguished or characterized by an emphasis on specified ~~s~~ sexual activities or by exposure to specified anatomical areas.

6. ~~Adult Massage Parlor:~~ Adult Massage Parlor: An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including, without limitation, exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin

and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to engage in any method of rubbing, pressing, striking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, or the opportunity to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."**Mini Motion Picture Theatre:** An enclosed building with a capacity of more than 5 but less than 50 persons, used for presenting films, motion pictures, slides, video cassettes, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

7. **Adult Media.** Books, magazines, videotapes, movies, slides, CD-ROMs, posters, or other devices to display images;**Motel:** A hotel, motel or similar establishment offering public accommodations, for any form of consideration, that offers a sleeping room for rent for a period of time that is less than 10 hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours, and that provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, slides, video cassettes, or other photographic reproductions~~reproductions~~ that are distinguished or characterized by their an emphasis on matters depicting, describing or relating to "upon the depiction or description of 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:**Motion Picture Arcade:** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
~~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.
~~e~~ 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
 - e — where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
- Motion Picture Theatre:** An enclosed building with a capacity of 50 or more persons used for presenting films, motion pictures, slides, video cassettes, CDs, DVDs, Blu-Ray Discs, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
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 "**Adult Service Establishment:** Any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving **specified sexual activities,**" or "~~display~~ of **specified anatomical areas,** or massage of specified anatomical areas, not performed or operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin."~~ for observation by patrons therein.
11. **Enlargement (pertaining to Adult Establishment only):** An increase in the size of the building, structure or premises in which the Adult Establishment is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land. ~~**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. **Establishing an Adult Establishment:** Shall mean and include ~~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.

e. 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 opening or commencement of any such business as a new business;

b. The conversion of an existing business, whether or not an Adult Establishment, to any of the Adult Establishments defined herein;

c. The relocation of any such business.

13. Nonconforming Adult Establishment: Any building, structure of land lawfully occupied by an Adult Establishment or lawfully situated at the time of passage of Ordinance 45, adopted on March 16, 2004, or amendments to that ordinance, that does not conform after the passage of that ordinance or amendments thereto with the regulations of this chapter.

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. **Reconstruction (pertaining to a Adult eEntertainmenstablishment only):** The rebuilding or restoration of any nonconforming Adult Establishment that was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God, if the damage or destruction exceeds fifty percent (50%) of the assessed value of the structure or the facilities affected as of January 1 of the year in which damage occurred. ~~of the structure or the facilities affected.~~

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 **Resumption (pertaining to a Adult eEstablishmentntertainment only):** Shall

mean the reuse of reoccupation of a nonconforming Adult Establishment that has been discontinued for a period of 6 or more consecutive months.

16. ~~"Sensitive land-use" is defined to include any and all Land Use:~~ Any 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
- ~~d.e~~ A public or private park, recreation area, or playground f
A day care center
- ~~ge.~~ A historic district
- ~~f.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.
- ~~ig.~~ 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.~~ Specified Anatomical Areas: Any of the following:

- a. ~~Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or~~
- ~~a.~~ Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- b.

18. ~~"Specified sexual activities" is defined as actual or simulated:~~ Activities: Any of the following:

- a. ~~Exhibition of Human~~ 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 or sodomy;~~
- c. Fondling or other erotic touching of human genitals, pubic ~~region, buttock regions, buttocks,~~ or female breasts.

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.

d. — Flagellation or torture in the context of a sexual relationship;

e. — Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

f. — Erotic touching, fondling or other such contact with an animal by a human being; or

g. — Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in subsections 1 through 6 above.

(ed) **Principal Uses.** ~~Adult Establishments are permitted by Where the underlying zoning is n B-2 Community Business District, or and B-3 Highway Business Adult Establishment.~~

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~~

(de) **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.

(fe) **Underlying District Standards.** Adult ~~E~~establishments shall comply with the standards of the zoning districts in which they are located, including but not limited to, standards relating to lot

area and width, building height and area, yard requirements and sanitary sewer systems, and with the use-specific standards applicable to that use category and use.

(gfg) **General requirements and restrictions governing Aadult Eestablishments.** Except as provided below, all Aadult Eestablishments 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~~ in sections 12.13 and 12.18.8-1.
- ~~2.3~~ No Aadult Eestablishment 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 "conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities" or "specified anatomical areas", by display, decorations, sign, show window or other -opening from any -sidewalk, public or private right-of-way, or any property other than the lot on which the adult establishment is located~~ public view.
- ~~3.4~~ Signs advertising an Adult Establishment ~~Aadult Eestablishments~~ shall conform ~~with to~~ 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~~ Specified Anatomical Areas or Specified Sexual Activities.
- ~~4.5~~ No Aadult Eestablishment-patron shall be permitted at any time to enter into any of the non-public portions of any Aadult Eestablishment, including specifically, but without limitation, any storage areas ~~or -or~~ dressing or other rooms provided for the benefit of Aadult Eestablishment-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.
- ~~5.6~~ ~~Other than limited adult media stores, signs~~ Signs at least one (1) square ~~feet~~ foot 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.
- ~~6.7~~ 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.

~~7.8~~ The Adult Establishment shall clearly post and enforce a no loitering policy.

~~8.9~~ 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.

~~9.11~~ 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.

~~12.10~~ No residential quarters shall be allowed on a premises with an Adult Establishment.

(hgh) Location requirements and restrictions.

~~1.~~ ~~1~~ No more than one adult establishment may be established on any one parcel. The establishment, enlargement, reconstruction, resumption, or structural alteration of any Adult Establishment is prohibited if such business is within 1,000 feet of another Adult Establishment.

~~1~~

~~2.~~ No adult establishment may be established within 1000 feet of any other adult establishment. The establishment, enlargement, reconstruction, resumption, or structural alteration of any Adult Establishment is prohibited if such business is within ~~1,000~~ 1,0600 feet of any existing Sensitive Land Use within Kenosha County, Wisconsin.

~~3.~~ No adult retail establishment may be established within 1000 feet of any "sensitive land-use." Adult Establishment shall be established, enlarged, reconstructed, resumed, or structurally altered unless the site or proposed site is located in a B-2 Community Business District or B-3 Highway Business Zoning District.

~~4.~~ No adult entertainment establishment may be established within 1000 feet of any "sensitive land-use." An Adult Establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a sensitive land use is located within 1,0600 feet of the Adult Establishment.

5 All ~~Adult Establishments~~ 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 Wis. Stats. Section 84.02(12) ~~State Statutes Wis. Stats.~~ and as currently on file with the Kenosha County Clerk and Kenosha County Highway Commissioner and as subsequently amended.

~~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.~~

~~66 For these purposes, The distance between one Adult Establishment and another Adult Establishment 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, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an Adult Establishment and any Sensitive Land Use shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the Adult Establishment to the nearest property line of the Sensitive Land Use.~~

(ih) **Additional Restrictions and Requirements Applicable to ~~Adult Entertainment~~ Adult Establishments Establishments.** Adult ~~entertainment e~~ 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 ~~twenty-four~~ thirty-six (~~24~~36) inches above floor level. There shall be a metal railing attached to the floor by bolts surrounding the stage which shall keep patrons at least ~~thirty-six~~ forty-eight (~~36~~48) inches from the stage. There shall also be a metal railing attached to the floor by bolts at the edge of the stage. The stage shall be in a room or other enclosure of no less than 600 square feet.

~~23. **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.~~

(j+k) **Severability.** 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.

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