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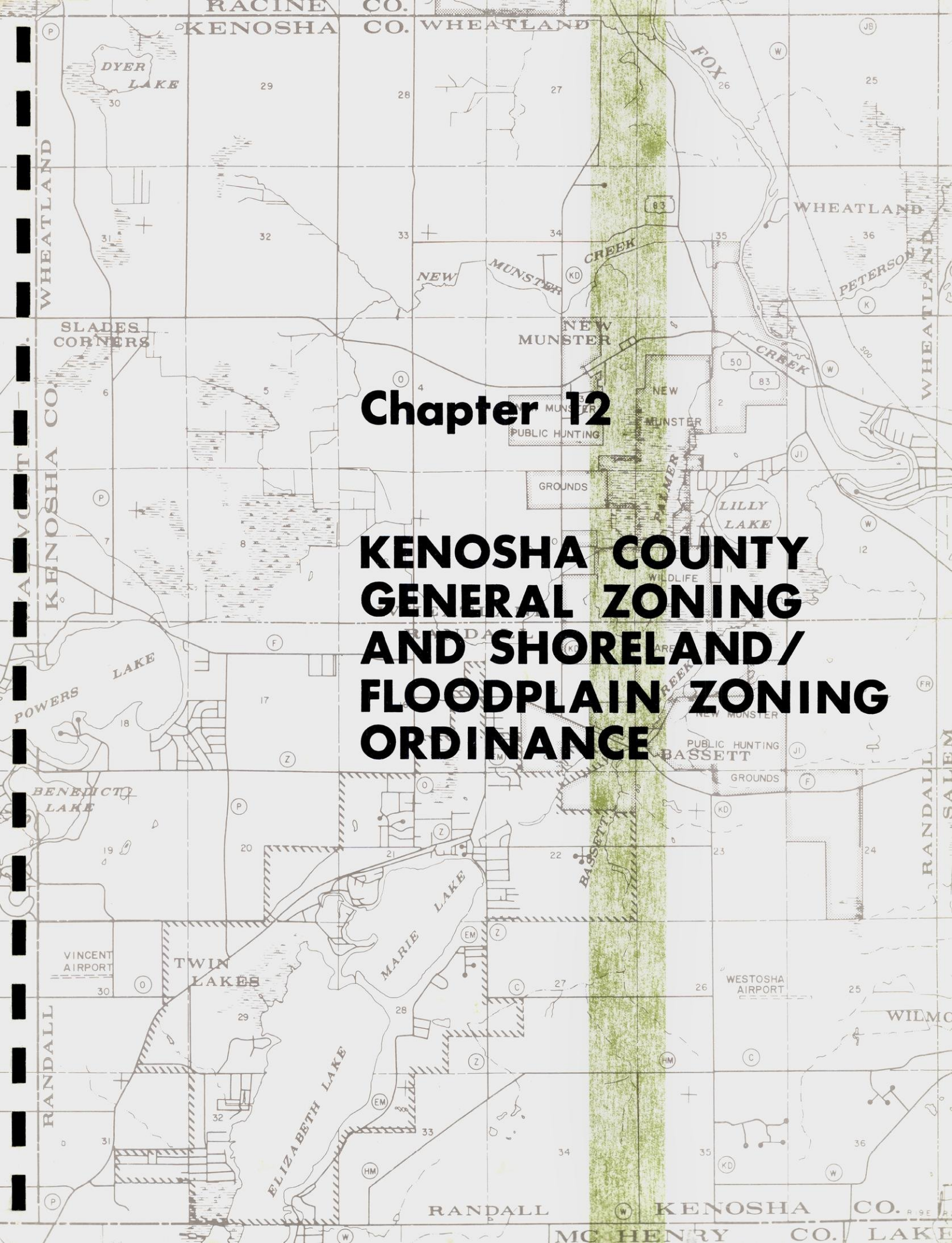
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Chapter 12

KENOSHA COUNTY GENERAL ZONING AND SHORELAND/ FLOODPLAIN ZONING ORDINANCE



CHAPTER 12

KENOSHA COUNTY GENERAL ZONING AND
SHORELAND/FLOODPLAIN ZONING ORDINANCE



Revision Dates

11/5/84
8/15/89

1/22/85
2/06/90

10/1/85
8/20/91

11/5/86
6/2/92

Inquiries about this ordinance may be directed to:

Kenosha County Office of Planning & Zoning Administration
912 - 56th Street
Courthouse, Room 7
Kenosha, Wisconsin 53140

Or by phoning (414) 653-6550



ACKNOWLEDGMENTS

Over the past five years, many individuals have been actively involved in the preparation of the comprehensive revisions to the Zoning Ordinance. Many meetings were held over this period throughout the County to make these revisions a reality. It was in the cooperative spirit of all affected units of government working hand in hand that the development of this ordinance was made possible. We thank all that have participated in this very important and needed effort.

KENOSHA COUNTY BOARD OF SUPERVISORS

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Bristol: Noel Elfering, Russell Horton, Louis Fowler, Joe Czubin
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All other town board officials, planning commission members and town clerks for their assistance

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Leland H. Kreblin - Chief Planning Illustrator

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John F. Roth - Senior Planner
Patrick S. Tierney - Planning & Research Analyst
Cheryl A. Jankowski - Secretary
Mary Jo Filbrandt, (former Associate Planner)

KENOSHA COUNTY OFFICE OF CORPORATION COUNSEL

Frank V. Volpintesta - Corporation Counsel
Linda L. Haney - Secretary



KENOSHA COUNTY
OFFICE OF
PLANNING AND ZONING ADMINISTRATION

George E. Melcher
Director of Planning and Zoning

Larry B. Brumback
Planning and Zoning Administrator

Map Research and Development
Larry B. Brumback, Staff Coordination

STAFF

John F. Roth - Senior Planner
Patrick S. Tierney - Planning and Research Analyst
Cheryl A. Jankowski - Secretary

Inquiries about this ordinance may be directed to:

Kenosha County Office of Planning & Zoning Administration
912 - 56th Street
Courthouse, Room 7
Kenosha, Wisconsin 53140

Or by phoning (414) 653-6550



COPY OF NOTICE

**NOTICE OF PUBLIC HEARING
AND NOTICE OF COMPREHENSIVE
REVISION TO THE MUNICIPAL CODE
OF KENOSHA COUNTY WISCONSIN
AND MORE SPECIFICALLY,
THE KENOSHA COUNTY GENERAL
ZONING AND SHORELAND/FLOODPLAIN
ZONING ORDINANCES**

Notice is hereby given that the code of ordinances will be repealed, revised and recreated. Said ordinance will be authorized by the Kenosha County Board of Supervisors. A copy of such proposal and accompanying maps is available for inspection or purchase upon advance notice at the Kenosha County Office of Planning and Zoning Administration located at 912 - 34th Street, Kenosha, Wisconsin 53140.

Prior to adoption of said ordinance by the Kenosha County Board of Supervisors, a public hearing will be held on Wednesday, March 30, 1983 at 7:30 P.M. at Central High School, Paddock Lake, Wisconsin, for the purpose of receiving public comments. Written comments on the proposed changes may be addressed to the Kenosha County Office of Planning and Zoning Administration, Room 7 Courthouse, 912 - 34th Street, Kenosha, Wisconsin 53140, will be accepted if postmarked on or before 4:00 P.M. Tuesday, March 29, 1983.

THE PROPOSED CHANGES INCLUDE:

The repeal, revision and recreation of the Kenosha County General Zoning Ordinance (currently Chapter 11 of Municipal Code of Kenosha County) pursuant to Wisconsin State Statute 59.97 and the repeal, revision and recreation of the Kenosha County Shoreland/Floodplain Zoning Ordinance (currently Chapter 12 of Municipal Code of Kenosha County) pursuant to Wisconsin State Statutes 59.971 and such other state statutes as may be applicable.

A complete set of zoning district boundary maps have been prepared which shall incorporate all those districts as outlined in the comprehensive revisions.

It is the intent of the Kenosha County Board of Supervisors to adopt this comprehensive revision to the above mentioned text and maps as Chapter 12 of the Municipal Code of Kenosha County.

GEORGE E. MELCHER
Director of Planning and Zoning
JOHN R. COLLINS
County Clerk

March 14, 21, 28, 1983

STATE OF WISCONSIN }
COUNTY OF KENOSHA } ss.

Margaret Kramer

Being duly sworn, on oath says, that she is one of the printers of THE KENOSHA NEWS, a daily newspaper printed and published in the City of Kenosha, County and State aforesaid, and that a notice, of which the annexed printed slip is a true copy, has been published in the said KENOSHA NEWS for the term of three weeks, once each week successively, commencing the 14th day of March, A. D. 1983, and ending March 28th, A. D. 1983.

Margaret Kramer

Subscribed and Sworn To before me this 28th

day of March, A. D. 83.

Madison R. Deck
Notary Public,

Kenosha, Wis.

My Commission expires Nov 3rd 1985

AFFIDAVIT OF PUBLICATION REGARDING
NOTICE OF PUBLIC HEARING
ON COMPREHENSIVE REVISION TO THE
KENOSHA COUNTY GENERAL ZONING AND
SHORELAND/FLOODPLAIN ZONING ORDINANCE

AFFIDAVIT OF PUBLICATION REGARDING
 NOTICE OF COMPREHENSIVE REVISION TO THE
 KENOSHA COUNTY GENERAL ZONING AND
 SHORELAND/FLOODPLAIN ZONING ORDINANCE

PROOF OF PUBLICATION

COPY OF NOTICE

Notice of Comprehensive Revision To The Kenosha County General Zoning And Shoreland/Floodplain Zoning Ordinance

Notice is hereby given that the Municipal Code of Kenosha County and specifically Chapter 11 of the said Code pertaining to Zoning and Chapter 12 pertaining to Shoreland/Floodplain Zoning will be repealed and recreated in the form of a comprehensive revision to said ordinances pursuant to the provisions of section 59.97 of the Wisconsin Statutes and such other provisions of the Wisconsin Statutes as are applicable and as such, those ordinances have been renumbered, revised, recodified and arranged in appropriate chapters, sections and subsections, certain omissions have been supplied, certain defects amended, certain ordinances repealed, certain ordinances amended, and certain new ordinances enacted; further that said proposed recodification has been published in book form, (entitled Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance draft dated March 30, 1983), with accompanying zoning district boundary maps so as to make the entire code plain, concise, intelligible and convenient.

Said recodification is authorized by the Kenosha County Board of Supervisors and a copy of such draft has been permanently filed with the office of the Kenosha County Clerk located in Room 101 of the Kenosha County Courthouse located at 912 56th Street, Kenosha, Wisconsin 53140.

Said draft on file with the County Clerk is open for public inspection at the County Clerk's Office during normal working hours. In addition to said draft, certain proposed zoning maps which are considered to be part of said proposed code are also on file with the County Clerk and open for public inspection at the County Clerk's Office during normal working hours. Said proposal has also been subject of a special public hearing held on March 30, 1983 at Central High School, Paddock Lake, Wisconsin, pursuant to Wisconsin Statutes section 59.97.

This notice is intended to comply with the requirements of section 46.035 of the Wisconsin Statutes so as to permit without further publication adoption after a second reading of this proposed recodification and comprehensive revision by the Kenosha County Board of Supervisors at its regularly scheduled County Board meeting on May 3, 1983 or as soon thereafter as deemed appropriate by the Kenosha County Board of Supervisors.

JOHN R. COLLINS
 Kenosha County Clerk
 GEORGE E. MELCHER
 Director of Planning and Zoning
 April 14, 1983
 April 18, 25

STATE OF WISCONSIN }
 COUNTY OF KENOSHA } ss.

Kathleen Acube

Being duly sworn, on oath says, that he is one of the printers of THE KENOSHA NEWS, a daily newspaper printed and published in the City of Kenosha, County and State aforesaid, and that a notice, of which the annexed printed slip is a true copy, has been published in the said KENOSHA NEWS for the term of 2 weeks, once each week successively, commencing the 14 day of April, A. D. 1983, and ending April 25, A. D. 1983.

Kathleen Acube

Subscribed and Sworn To before me this 25 day of April, A. D. 83

Margaret C. Thomas
 Notary Public,

Kenosha, Wis.

My Commission expires June 19, 1983

ORDINANCE 2

AN ORDINANCE TO REPEAL AND RECREATE THE GENERAL ORDINANCES OF
KENOSHA COUNTY, WISCONSIN, SPECIFICALLY, THE KENOSHA COUNTY
GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE

WHEREAS, it is deemed expedient and necessary that the Municipal Code of Kenosha County, Wisconsin, and specifically the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinances be repealed and recreated, revised, renumbered and recodified and arranged in appropriate chapters, sections and subsections, that omissions be supplied, defects be amended, and new ordinances be enacted and that the same be published in book form to make the whole thereof plain, concise, intelligible and convenient, and

WHEREAS, the Kenosha County Board hereby authorizes the preparation of such a recodification of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinances of Kenosha County, Wisconsin, and

WHEREAS, a copy of such code has been on file and open for public inspection along with pertinent zoning district boundary maps pertaining thereto in the Office of the County Clerk for not less than two weeks as required by section 66.035 of the Wisconsin Statutes and notice thereof has been given pursuant to a publication in the Kenosha News on April 18, 1983 and April 25, 1983.

NOW, THEREFORE, the Kenosha County Board of Supervisors does ordain as follows:

SECTION 1.

That the code of ordinances in book form entitled Municipal Code of Kenosha County, Wisconsin---Revised July, 1981, and as subsequently amended, and specifically the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, a copy of which along with its pertinent maps is on file in the Office of the County Clerk for public inspection, shall be and hereby is adopted pursuant to Wisconsin Statutes, section 59.97(5)(d) and sections 12.02-1 through 12.02-14 of this ordinance as the general ordinance in and for Kenosha County, Wisconsin as pertaining to general zoning and shoreland/floodplain zoning and further, that all such prior ordinances be and hereby are repealed as provided for under the terms of Wisconsin Statutes, section 59.97(5)(d) and the provisions of sections 12.02-1 through 12.02-14 of said ordinance.

SECTION 2.

That this ordinance, as it relates to shoreland/floodplain areas, shall take effect the day after publication of the above ordinance and as it relates to general zoning upon publication and as provided for by section 59.97(5)(d) of the Wisconsin Statutes.

Dated at Kenosha, Wisconsin this 13th day of April, 1983.

Respectfully submitted,

Judith Schmarfeldt

Francis J. Pitts

J. L. Foub

Charles Hank

Edwin Arlson

PLANNING AND ZONING COMMITTEE

ADOPTED AS PRESENTED

DATE PRESENTED 4-19-83

DATE ADOPTED 5-3-83

APPROVED

5-4-83

G. J. Rosemagen

Gilbert J. Rosemagen
Kenosha County Executive

Effective Date

5-7-83

COPY OF NOTICE

ORDINANCE #2

AN ORDINANCE TO REPEAL AND RECREATE THE GENERAL ORDINANCES OF KENOSHA COUNTY, WISCONSIN, SPECIFICALLY, THE KENOSHA COUNTY

GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE

WHEREAS, it is deemed expedient and necessary that the Municipal Code of Kenosha County, Wisconsin, and specifically the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinances be repealed and recreated, revised, renumbered and recodified and arranged in appropriate chapters, sections and subsections, that omissions be supplied, defects be amended, and new ordinances be enacted and that the same be published in book form to make the whole thereof plain, concise, intelligible and convenient, and

WHEREAS, the Kenosha County Board hereby authorizes the preparation of such a recodification of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinances of Kenosha County, Wisconsin, and

WHEREAS, a copy of such code has been on file and open for public inspection along with pertinent zoning district boundary maps pertaining thereto in the Office of the County Clerk for not less than two weeks as required by section 66.035 of the Wisconsin Statutes and notice there of has been given pursuant to a publication in the Kenosha News on April 18, 1983 and April 25, 1983.

NOW, THEREFORE, the Kenosha County Board of Supervisors does ordain as follows:

SECTION 1.

That the code of ordinances in book form entitled Municipal Code of Kenosha County, Wisconsin—Revised July, 1981, and as subsequently amended, and specifically the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, a copy of which along with its pertinent maps is on file in the Office of the County Clerk for public inspection, shall be and hereby is adopted pursuant to Wisconsin Statutes, section 59.97(5)(d) and sections 12.02-1 through 12.02-14 of this ordinance as the general ordinance in and for Kenosha County, Wisconsin as pertaining to general zoning and shoreland/floodplain zoning and further, that all such prior ordinances be and hereby are repealed as provided for under the terms of Wisconsin Statutes, section 59.97(5)(d) and the provisions of sections 12.02-1 through 12.02-14 of said ordinance.

SECTION 2.

That this ordinance, as it relates to shoreland/floodplain areas, shall take effect the day after publication of the above ordinance and as it relates to general zoning upon publication and as provided for by section 59.97(5)(d) of the Wisconsin Statutes.

Dated at Kenosha, Wisconsin this 13th day of April, 1983.

ADOPTED AS PRESENTED
DATE PRESENTED-4-19-83
DATE ADOPTED 5-3-83

Respectfully submitted,
Fred C. Schmalfeldt
Francis J. Pitts Charles Huck
James L. Fonk Edwin Andersen
PLANNING AND ZONING COMMITTEE

APPROVED 5-4-83
G.J. Dosemagen
Kenosha County Executive
Effective Date 5-7-83

May 6

STATE OF WISCONSIN }
COUNTY OF KENOSHA } ss.

RECEIVED

MAY 11 1983

KENOSHA COUNTY CLERK

Kathleen Acerbis

Being duly sworn, on oath says, that he is one of the printers of THE KENOSHA NEWS, a daily newspaper printed and published in the City of Kenosha, County and State aforesaid, and that a notice, of which the annexed printed slip is a true copy, has been published in the said KENOSHA NEWS for the term of 1 day weeks, once each week successively, commencing the 6 day of May, A. D. 1983, and ending May 6, A. D. 1983.

Kathleen Acerbis

Subscribed and Sworn To before me this 6

day of May, A. D. 83

Margaret C. Grammer
Notary Public,

Kenosha, Wis.

My Commission expires June 19, 1983

AFFIDAVIT OF PUBLICATION REGARDING THE ADOPTION OF ORDINANCE #2 AN ORDINANCE TO REPEAL AND RECREATE THE GENERAL ORDINANCES OF KENOSHA COUNTY, WISCONSIN, SPECIFICALLY, THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE.



CHAPTER 12

KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN
ZONING ORDINANCE

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CHAPTER 12

KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN
ZONING ORDINANCE

I. INTRODUCTION

A. PRELIMINARY CONSIDERATIONS

12.01-1 AUTHORITY

This ordinance is adopted pursuant to the authority granted by the Wisconsin Statutes but not limited to Sections 59.97, 59.971, 59.99, 87.30, 91.71 to 91.79, 92.10, 144.26, 59.07(15m) and 59.07(68) of the Wisconsin Statutes. Any mandatory amendments or repeals or recreations to state statutes pertaining to the subject matter of this ordinance are incorporated in this ordinance as of the effective date of the amendment, repeal or recreation. The Board of Supervisors of the County of Kenosha, Wisconsin do ordain as follows:

12.01-2 PURPOSE

- (a) It is the finding of the Kenosha County Board of Supervisors that the regulation of land uses within Kenosha County serves to promote the general welfare of its citizens, the quality of the environment, and the conservation of its resources.
- (b) The purpose of this ordinance is to regulate and encourage the use of land, waters and structures in Kenosha County in a planned and orderly manner so as to promote the public health, safety, morals, prosperity, aesthetics, comfort, convenience and general welfare of the citizens of Kenosha County.
- (c) It is recognized by the Kenosha County Board of Supervisors that a Shoreland and Floodplain Zoning Ordinance enacted pursuant to Wisconsin Statutes, section 59.971 may be enacted separately from a general comprehensive zoning ordinance enacted pursuant to Wisconsin Statutes, section 59.97 for the reason that compliance by townships with a validly enacted shoreland/floodplain zoning ordinance is mandatory while town compliance with a general comprehensive zoning ordinance is voluntary. Nevertheless, it is the finding of the Kenosha County Board of Supervisors that there are certain advantages to combining the provisions and maps of both ordinances so as to afford the general public a clear and concise presentation and understanding of all zoning regulations which may pertain to a particular parcel of land. Therefore, while this general comprehensive zoning ordinance enacted pursuant to section 59.97 of the Wisconsin Statutes shall be applicable in all towns so adopting it, it shall also serve as a shoreland/floodplain zoning ordinance in all townships irrespective of town approval as mandated by section 59.971 of the Wisconsin Statutes and so as to effect the purposes of section 59.971 and section 144.26 of the Wisconsin Statutes.

12.01-3 INTENT

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

- 1 Regulate the use of all lands, buildings, structures and waters in the unincorporated areas of Kenosha County so as to determine, establish, regulate and restrict:
 - a The areas within which agriculture, forestry, industry, trades, business and recreation may be conducted;
 - b The areas in which residential uses may be regulated or prohibited;
 - c The areas in and along or in or along natural water courses, channels, streams and creeks in which trades or industries, filling or dumping, erection of structures and location of buildings may be prohibited or restricted.
- 2 Designate certain areas, uses or purposes which may be subjected to special regulation.
- 3 Determine, establish, regulate and restrict the location, set back, side yard, height, bulk, number of stories and size of buildings and other structures.
- 4 Determine, establish, regulate and restrict the location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.
- 5 Determine, establish, regulate and restrict trailer camps or tourist camps and motels or both and mobile home parks.
- 6 Regulate population density and distribution.
- 7 Determine, establish, regulate and restrict the percentage of any parcel which may be occupied, size of yards, courts and other open spaces.
- 8 Provide healthy surroundings for family life.
- 9 Provide areas for peace and quiet, open space and privacy.
- 10 Determine, establish, regulate and restrict the location of roads and schools.
- 11 Insure adequate highway, utility, health, educational, recreational and other public facilities.
- 12 Lessen congestion in and promote the safety and efficiency of streets and highways; regulate parking, loading and access for safety and efficiency purposes.
- 13 Secure safety from fire, explosions, flooding, panic and other dangers.
- 14 Provide adequate light, air, sanitation and drainage.
- 15 Establish performance standards so as to guard against air and water pollution, unnecessary contamination, noises, vibrations and odors, and also glare, heat, fire, flooding, radiation, and other hazards and nuisances.
- 16 Promote the efficient and economical use of public funds.
- 17 Protect property values and the property tax base.
- 18 Recognize the needs of agriculture, forestry, industry, business and recreation and future growth.
- 19 Further the appropriate use of land and encourage uses of land and other natural resources which are in accordance with their character and adaptability.
- 20 Prevent and control soil erosion, sedimentation and water pollution of the surface and subsurface waters.
- 21 Further the maintenance of safe and healthful water conditions.

- 22 Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
- 23 Preserve shore growth and cover and promote the natural beauty of the shoreland and floodplain areas.
- 24 Protect fish and animal life including the spawning, resting, nesting, nursing and feeding areas.
- 25 Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans applicable to and adopted by Kenosha County.
- 26 Obtain the wise use, conservation, development and protection of the county's water, soil, wetlands, woodlands, wildlife and other natural resources and attain a balance between land uses and the ability of the natural resource space to support and sustain such uses.
- 27 Preserve natural growth and cover; promote, stabilize and protect the natural beauty and amenities of landscape and man-made developments within the county and encourage the future aesthetic development of the county.
- 28 Preserve historical sites.
- 29 Preserve neighborhoods and eliminate blight.

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

- 1 Establish the Kenosha County Office of Planning and Zoning Administration.
- 2 Create, as part of this ordinance, all of the necessary districts, maps, and staffing deemed necessary for achieving all of the objectives of this Ordinance.
- 3 Delineate as clearly as possible those circumstances which when present will qualify as exceptions, to this ordinance as well as those circumstances in which changes and amendments may be made to the Ordinance or variances granted.
- 4 Delineate, without limitation due to enumeration, those aspects of zoning which are to be prohibited, such as use variances.
- 5 Follow all due process requirements and procedures so as to safeguard the rights of individual landowners.
- 6 Provide for the strict enforcement of this ordinance.
- 7 Establish a proper system for reviewing and appealing the actions of the office of Kenosha County Planning and Zoning Administration.

12.01-4

TITLE

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

B. INTERPRETATION

12.02-1

ADOPTION, APPROVAL AND EFFECTIVE DATE-SHORELAND/FLOODPLAIN AREAS
 Within those areas defined in this ordinance as shorelands and floodplains, this ordinance shall be effective after a public hearing, recommendation by the Land Use Committee, adoption by the county board of supervisors and publication or posting as provided by law. For purposes of this section, this ordinance in its entirety shall consist of both the text and maps of the

various districts in the unincorporated areas of Kenosha County falling within the shorelands/floodplains areas. (11/5/84)

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

- (a) This ordinance shall be effective after a public hearing; recommendation by the county Land Use Committee and adoption by the county board of supervisors; publication or posting as provided by law; and with respect to an individual town, approval by the town board of supervisors. The zoning ordinance of Kenosha County 1959, as adopted and amended, shall remain in effect in each individual town until this ordinance is approved by the town board of supervisors, or for a period of one year from the date of adoption of this ordinance by the county board of supervisors in its entirety, whichever comes first. (11/5/84)
- (b) If the town board of supervisors does not approve this ordinance by the end of the one year period aforementioned, neither this ordinance nor the zoning ordinance of 1959 as amended shall be in effect in that town except as provided in section 12.02-1 of this ordinance. The aforementioned period of one year shall not begin to run until such time as this ordinance is presented to the town boards in its entirety. For purposes of this section, this ordinance in its entirety shall consist of both the text and maps of the various districts in the unincorporated areas of Kenosha County.

12.02-3 JURISDICTION

- (a) The provisions of this ordinance shall apply to all structures, land, water and air within the unincorporated areas of townships located within Kenosha County, Wisconsin, where this ordinance has been approved by the township pursuant to section 12.02-2 of this ordinance.
- (b) Where this ordinance has not been approved by a particular township pursuant to section 12.02-2 of this ordinance, the provisions of this ordinance shall nevertheless apply to all structures, lands, water and air within the shoreland jurisdiction of Kenosha County. The shoreland includes all unincorporated areas within the following distances from the ordinary high water mark of all navigable waters: 1000 feet from a lake, pond or flowage; 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof. (11/5/86)
- (c) Unless specifically exempted by law, all cities, villages, town governments, and Kenosha County are required to comply with this Ordinance and obtain all necessary permits in those areas described in subsections (a) and (b) above. State agencies are required to comply with Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a) of the Wisconsin Statutes applies. (11/5/86)

12.02-4 REPEAL, CONFLICTING ORDINANCES AND GREATER RESTRICTIONS

Except as provided in section 12.02-2, the Zoning Ordinance of Kenosha County of 1959 as adopted and amended and the Shoreland/Floodplain Zoning Ordinance of Kenosha County of 1971 as amended are hereby repealed and superseded by this ordinance.

It is not the intent of this ordinance, however, to repeal any provisions in the County Floodland and Shoreland Sanitary Ordinance (Chapter 13, Municipal Code of Kenosha County) as created, amended or repealed and recreated or the Subdivision Control Ordinance (Chapter 14, Municipal Code of Kenosha County) as created, amended or repealed and recreated. In case of conflicts between this ordinance and any of the provisions of the above ordinances or other adopted county ordinances, those provisions providing for greater restrictions shall prevail.

12.02-5

PROJECTS IN PROGRESS

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

12.02-6

ABROGATION

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

12.02.7

LIBERAL CONSTRUCTION

In the interpretation and application of this Ordinance, the provisions of this ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the county and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time, or now possessed by Kenosha County.

12.02-8

SEVERABILITY AND NON-LIABILITY

- (a) If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (b) If any application of this ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The County does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation or that those soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the Board of Supervisors, its agencies or employees for any flood damage, sanitation problems, structural or other damages that may occur as a result of reliance upon and conformance with this ordinance.

- 12.02-9 **LIMITATION OF ACTION**
Pursuant to Wisconsin Statutes section 59.97(14), a land owner, occupant or other person affected by this ordinance or amendment thereto who claims that this ordinance or amendment is invalid because procedures prescribed by the statutes or the ordinance were not followed shall be forever barred unless the court action is commenced within 6 months after adoption. Provided, this subsection shall not apply unless there has been at least one publication of a notice of a zoning hearing in a local newspaper of general circulation and unless a public hearing has been had on the ordinance or amendment at the time and place specified in such notice.
- 12.02-10 **ZONING MAPS**
A certified copy of the Zoning Maps shall be adopted and approved with the text as part of this ordinance and shall bear upon its face the attestation of the County Board Chairman, County Clerk and the Director of Planning and Zoning for Kenosha County, Wisconsin and shall be available to the public for inspection in the Office of Planning and Zoning Administration.
- 12.02-11 **ZONING MAP AMENDMENTS-EFFECTIVE DATE**
(a) Amendments to the Zoning Maps shall become effective upon adoption by the Kenosha County Board of Supervisors, notification of the Town Clerk of all Towns affected by the amendment, the filing of proof of publication thereof in the Office of Planning and Zoning Administration, and the expiration of any time limit imposed by section 59.97 of the Wisconsin Statutes within which Townships may veto the action and amendment of the County Board. It shall be the duty of the Office of Planning and Zoning Administration to enter all zoning map amendments and the date of the latest amendment upon the certified copy of the Zoning Map and secure any required certifications or attestations.

(b) Amendments to the FPO, Floodplain Overlay District, shall not become effective until approved by the Wisconsin Department of Natural Resources, (DNR). (2/6/90)
- 12.02-12 **INTERPRETATION OF DISTRICT BOUNDARIES**
(a) Boundaries of the districts set forth in section 12.20 to 12.26 are hereby established as shown on a series of eight (8) maps entitled, "Kenosha County Zoning Map" numbered, "Kenosha County - 1" through "Kenosha County - 8"; bearing the date of final county board approval of this ordinance and as hereafter properly amended and revised. These maps accompany and are herewith made a part of this ordinance and shall constitute the official zoning map of Kenosha County, Wisconsin until such time as the information contained therein is transferred to a series of 72 aerial photographs at a scale of one inch equals 400 feet entitled "Kenosha County Zoning Map" numbered "Kenosha County - 1" through "Kenosha County - 72", and adopted by the Kenosha County Board of Supervisors. Upon completion of the 72 maps and before their adoption by the county board, the maps shall be transmitted to each town for review and comment. No change in a zoning boundary shall be made except after petition, review and approval pursuant to the requirements of section 12.38 of this ordinance. The Office of Planning and Zoning Administration may publish additional zoning maps at scales other than the aforementioned official scale for informational purposes.

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

(c) Boundaries of the floodplain overlay district shall be determined as follows: Except for the Pike River Watershed, the boundaries of the FPO, Floodplain Overlay District shall be determined through the use of flood profiles published in the Flood Insurance Study-Kenosha County, Wisconsin (Unincorporated Areas) by the Federal Emergency Management Agency (FEMA), Flood Insurance Administration and dated August 17, 1981. The information contained in the flood insurance study is further illustrated on the FEMA Flood Insurance Rate Maps and Floodway and Flood Boundary Maps, dated February 17, 1982. Boundaries of the floodplain overlay district within the Pike River watershed-including the Pike River, Kenosha Branch, Sorenson Creek, Nelson Creek, Pike Creek, Somers Branch, Airport Branch, Lamparek Creek, Chickory Creek, Waxdale Creek, Tributary to Waxdale Creek, and Bartlett Branch--shall be determined through the use of the flood profiles published in SEWRPC Planning Report No. 35, A Comprehensive Plan for the Pike River Watershed, dated June, 1983. The profiles are found in Figures G-1 through G-16 and the regulatory profile is labeled "Flood Stage-Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The boundaries of the floodplain overlay district are further depicted on the large-scale topographic mapping of Kenosha County. The boundaries of unnumbered A zones shall be determined by use of the scale contained on the "Kenosha County Zoning Map" dated May 3, 1983, which accompanies and is made a part of the Ordinance. Where a conflict exists between the floodland limits as shown on the map and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the Flood Insurance Study or the Comprehensive Plan for the Pike River Watershed, whichever is appropriate, shall be the governing factor in the regulatory floodland limits. (11/5/86)

(d) Boundaries of the C-1 Lowland Resource Conservancy District and the C-3 Natural and Scientific Area Resource Conservancy District are shown on the maps referred to in Section 12.02-12(a) and boundary locations were determined by the criteria set forth in Sections 12.25-1(b) and 12.25-3(b). The boundaries of the C-3 District are further shown on the 1" = 400" scale Supplementary Zoning Map for the Chiwaukee Prairie--Carol Beach Area of the Town of Pleasant Prairie, dated _____, 19 _____. (11/5/86)

12.02-13 ANNEXED LANDS

(a) Pursuant to Wisconsin Statute 59.97(7), whenever any area which has been subject to the Kenosha County Zoning ordinance petitions to become part of a village or city, the regulations imposed by this ordinance shall continue

in effect, without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the County Zoning Ordinance shall prevail and the County shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

- (b) When any lands previously under the jurisdiction of this ordinance have been finally removed from the jurisdiction of this ordinance by reason of annexation to an incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in subsection (a), the County Board may pursuant to Wisconsin Statute section 59.97(5)(e)7, on the recommendation of its Office of Planning and Zoning Administration, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided for amendment or change to the ordinance as noted in Wisconsin Statute 59.97(5)(e)1 through 6, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the County Clerk to the Clerk of each town in which the lands affected were previously located. Nothing in this section shall be construed to nullify or supersede those provisions set forth in Wisconsin Statute section 80.64.

12.02-14 DEFINITIONS

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

II. ADMINISTRATION

A. LAND USE COMMITTEE

12.03-1 COMPOSITION AND APPOINTMENT

The Kenosha County Board of Supervisors shall appoint a planning and zoning agency to act in all matters pertaining to county planning and zoning pursuant to Wisconsin Statutes, section 59.97(2)(a) and according to the municipal code of Kenosha County, section 2.04(1)(a)4. From its members, the committee shall elect a chairman whose term shall be for two years and may create and fill such other offices as it determines. For purposes of this ordinance, the county planning and zoning agency shall be synonymous with the county land use committee. (11/5/84)

12.03-2 MEETINGS AND HEARINGS

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

12.03-3 DUTIES

Subject to change by the county board, the committee may adopt such rules and regulations governing its procedures as it considers necessary or advisable and not in conflict with either the Wisconsin Statutes or the Municipal Code of Kenosha County. The committee shall keep a record of its planning and zoning studies, its resolutions, reports, transactions, findings and determinations pursuant to Wisconsin Statute 59.97(2)(c). In addition thereto, the committee shall have the following duties:

- (a) To hold public hearings pursuant to petitions for amendments to the zoning ordinance and pursuant to petitions for conditional use permits and as otherwise required by Wisconsin Statutes and this ordinance.
- (b) To perform all Planning and Zoning related functions required by State Statutes and the Municipal Code of Kenosha County including the preparation of a master plan for the physical development of the county's lands, air and waters.
- (c) To make any inspections of properties deemed necessary by the committee so as to allow the committee to be better informed on any issues presented to it.
- (d) To supervise the administration of the Kenosha County Office of Planning and Zoning Administration.

12.03-4 POWERS

The Kenosha County Land Use Committee shall, in addition to any other powers allowed by State Statute and the Municipal Code of Kenosha County, have the following powers: (11/5/84)

- (a) To recommend to the Kenosha County Board of Supervisors amendments or changes to this ordinance and to further grant without county board approval conditional use permits pursuant to section 12.29-5(i) of this ordinance.
- (b) To impose any condition allowed by law in connection with a zoning change or amendment or the granting of conditional use permits including, without limitation due to enumeration, requirements with respect to time, distance,

method of construction, clean-up, essential services, performance bonds and letters of credit.

- (c) To suspend or revoke for cause any permit granted by the Committee or the Office of Planning and Zoning Administration to an individual landowner for non-compliance with the terms upon which the permit was issued or to delegate such authority to the County Planning and Zoning Administrator.
- (d) To set, with County Board approval, qualifications for personnel positions within the Office of Planning and Zoning Administration.
- (e) To establish fees pursuant to section 12.05-7(c) of this ordinance without County Board approval.

B. KENOSHA COUNTY OFFICE OF PLANNING AND ZONING ADMINISTRATION

12.04-1 OFFICE OF PLANNING AND ZONING ADMINISTRATION

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

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

- (a) The position of County Planning and Zoning Director is hereby created as a permanent position by the Kenosha County Land Use Committee, (Planning and Zoning Agency). The term of office shall be indefinite. (11/5/84)
- (b) Qualifications for the position of administrator and planner shall be determined by the Land Use Committee. Such qualifications shall include requirements with respect to expertise in the areas of planning, zoning, geography or urban affairs and past related work experience. (11/5/84)

12.04-3 DUTIES OF THE PLANNING AND ZONING DIRECTOR

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

- (a) To administer and enforce the zoning, shoreland, floodplain, subdivision control, and sanitary ordinances enacted by the Kenosha County Board of Supervisors so as to manage and promote the public health, safety, convenience and general welfare of the citizens of Kenosha County pursuant to the appropriate statutes and ordinances.
- (b) To give all legal notices required by State Statutes and the aforementioned ordinances.
- (c) To investigate alleged zoning violations and give notice thereof to the owner of the subject property and assist in necessary prosecutions and make as often as necessary, all necessary inspections of structures, lands and waters to certify compliance with the aforementioned ordinances and report uncorrected violations to the corporation counsel in a manner specified by him and assist the corporation counsel in any action involving the Office of Planning and Zoning Administration.

- (d) To extend zoning information, assistance and advice to the public.
- (e) To maintain, by parcel number where feasible, the appropriate records and indexes for all permits, inspections, complaints, public hearings, legal notices and zoning maps and other official actions.
- (f) To attend policy formulation meetings and make recommendations to the Land Use Committee, and set public hearings as required by the Wisconsin Statutes or the Municipal Code of Kenosha County. (11/5/84)
- (g) To make all necessary studies required for the improvement of land use in Kenosha County and studies relevant to the imposition of conditions for obtaining a conditional use permit.
- (h) To supervise the operation of the office and town deputy zoning administrators and recommend job descriptions for positions within the office and fill such positions pursuant to section 12.04-6.
- (i) To supervise the County Sanitation Inspectors in any areas designated by the County Board.
- (j) To prepare, present and implement the annual budget for the Office of Planning and Zoning Administration.
- (k) To prepare all necessary resolutions and reports for the Land Use Committee and the Kenosha County Board of Supervisors that relate to Planning and Zoning. (11/5/84)
- (l) To collect and account for all fees and other monies received by the office.
- (m) To prepare, maintain, file and record by parcel number where feasible, all records, maps, photographs, studies, reports, surveys, tapes and indexes required for the efficient and proper administration and enforcement of the aforementioned ordinances.
- (n) Pursuant to Wisconsin Statute 59.97(10)(b) and (c), maintain a record after the approval of this ordinance or amendments thereto or changes in district boundaries, approved by the Town Boards, of all lands, premises and buildings in the town used for purposes not conforming to the regulations applicable to the district in which they are situated.
- (o) To contest, subject to the time limitations set forth in section 59.99(10) of the Wisconsin Statutes and any conditions required by Chapter 68 of the Wisconsin Statutes, any decision of the Board of Adjustments which is in the opinion of the administrator incorrect.

12.04-4

POWERS

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

- (a) Receive, review and act upon, (either granting or denying) all zoning, use and other permit applications authorized by the aforementioned ordinances.
- (b) Determine similarities in intended uses with those uses set forth in a particular district as provided for in section IV of this ordinance.

- (c) Prohibit the use or erection of any structure or the use of any land or water until he has inspected and approved such use or erection.
- (d) Suspend or revoke any permit issued by the Office of Planning and Zoning Administration or by the Land Use Committee where so delegated, upon noncompliance with the terms of the permit and/or this ordinance. (11/5/84)
- (e) Commence, subject to the county corporation counsel's approval, any legal action in the name of Kenosha County to ensure enforcement of the terms of the aforementioned ordinances.
- (f) Issue citations pursuant to section 66.119 of the Wisconsin Statutes and section 3.11 of the Municipal Code of Kenosha County to be served by the Kenosha County Sheriff for violations of any of the aforementioned ordinances.
- (g) Gain entry to premises, buildings and structures for the purpose of investigating applications for permits and for the purpose of determining compliance with any permit issued pursuant to any of the aforementioned ordinances or provisions of this ordinance during reasonable daylight hours or any other time authorized by the court. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with Wisconsin Statute section 66.122.

12.04-5

PLANNING AND ZONING ADMINISTRATOR

- (a) There is hereby created the position of Planning and Zoning Administrator who shall be appointed by the Director of Planning and Zoning, and
- (b) The Planning and Zoning Administrator shall perform those duties assigned to him by the Director of Planning and Zoning and shall have authority to exercise those powers designated in section 12.04-4(a),(c),(d),(f) and (g); in addition, the duty of the Planning and Zoning Administrator shall be to interpret and administer this ordinance and to issue, after on-site inspection, all permits required by this ordinance. The Planning and Zoning Administrator shall further:
 - 1 Maintain Records of all permits issued, inspections made, work approved, and other official actions.
 - 2 Record the Lowest Floor Elevations of all structures erected, moved, altered, or improved in the floodland districts.
 - 3 Establish That All Necessary Permits that are required for floodland uses by state and federal law have been secured.
 - 4 Inspect all structures, lands, and waters as often as necessary to assure compliance with this ordinance.
 - 5 Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the corporation counsel in a manner specified by him.
 - 6 Assist the corporation counsel in the prosecution of ordinance violations.
 - 7 Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with

this ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.

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

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

- (c) In the event of sickness, temporary vacancy, disability or inability arising from any cause, and the planning and zoning director is unable to perform his duties, the planning and zoning administrator is empowered to temporarily discharge the functions of the director until such time as the director is able to resume his duties.
- (d) In the event of a vacancy in the office of the director due to his resignation, death or removal, the vacancy shall be filled by appointment by the county land use committee and the administrator shall, from the date of vacancy, temporarily perform the duties and functions of the director, at the director's rate of pay as determined by the pay schedule established by the Kenosha County Board of Supervisors for this position until the vacancy is filled. (11/5/84)

12.04-6

DEPUTIES

- (a) A deputy zoning administrator may be appointed in each township by the Director of Planning and Zoning and confirmed by the town board. Deputies may also serve in the capacity of local building inspectors at the discretion of the town board. The Director of Planning and Zoning may also appoint additional deputies from the Director's staff without town board approval so as to fulfill the functions of the Office of Planning and Zoning Administration. The aforementioned deputies shall be sworn in by the County Clerk.
- (b) Each township may, by resolution, determine that Town deputies shall be authorized to issue zoning permits. All such zoning permits shall be forwarded to the Office of Planning and Zoning Administration within five days from the date of issuance; failure to comply with this provision shall result in a revocation of the Town Deputy's authority to issue zoning permits upon written notice by the Director of Planning and Zoning. Deputies shall, however, be required to make all necessary inspections to insure compliance with this ordinance and shall report any violations to the Office of Planning and Zoning Administration with any necessary information and data necessary to substantiate a violation. Deputies shall be familiar with the ordinances and state statutes necessary for performing their duties and any failure or negligence on their part in so performing their duties shall be cause for the Land Use Committee directing the Director of Planning and Zoning to appoint a successor to said deputy to be confirmed by the Town Board. Such deputies shall not be considered county employees. (11/5/84)
- (c) Deputy Zoning Administrators shall have those powers designated in section 12.04-4(a)(c),(f) and (g). Deputies, however, shall not issue conditional use permits.

C. PERMITS

12.05-1 APPLICATIONS REQUIRED

- (a) No buildings, structures, or any parts thereof, or any development except as hereinafter provided in this ordinance, shall be built, enlarged, altered, repaired, demolished, placed or moved within the areas subject to the provisions of this ordinance until a permit has been applied for in writing and issued by the Planning and Zoning Director or Administrator or his Deputy. For the purposes of this section, to alter or repair a building or structure shall be construed to mean to change the dimensions, square footage, cubic footage, or structural supports of a building or structure or to change the structure in such a way that the future use of the premises is inconsistent with the district wherein the parcel is located. All permits issued by the Office of Planning and Zoning Administration shall be issued only upon the condition that the Director of Planning and Zoning or his designee may inspect the premises for compliance during reasonable daylight hours.
- (b) No new business or industry established in an existing structure shall be permitted to commence its operation until such time as a certificate of compliance has been issued by the Office of Planning and Zoning Administration certifying that the proposed use or operation is in compliance with the terms of this ordinance.
- (c) Applications for permits required by this ordinance shall be made in triplicate to the Office of Planning and Zoning Administration on forms furnished by the office or authorized by this ordinance and shall include all information and data required by such forms.
- (d) Applications for zoning permits required by this ordinance shall fully comply with section 66.036 of the Wisconsin Statutes, and with the Kenosha County Sanitary Code and Private Sewage System Ordinance, both of which may be amended from time to time.
- (e) When required by this ordinance, applicants for a permit shall, prior to application for such permit, obtain a list of the owners of parcels within three hundred feet or any abutting property owner, or party of interest as defined in this ordinance, from the Kenosha County Assessor's Office, with said list to be certified by the Assessor's office and submitted by the applicant at the time of application.
- (f) No application shall be accepted by the Office of Planning and Zoning Administration if the parcel for which a permit is being applied for is not in compliance with any provision of this ordinance.
- (g) Any application for a permit under this ordinance or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the provisions of this ordinance.
- (h) Such forms shall include the following information or as deemed appropriate by the Office of Planning and Zoning Administration:

- 1 Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and authorized agent and their respective phone numbers.
- 2 Description of the subject site by lot, block, and reported subdivision or by metes and bounds; addresses of the subject sites; type of structure; existing and proposed operation or use of the structure or sites; number of employees, anticipated patrons or maximum seating capacity and the zoning district within which the subject site lies, tax parcel number, date of purchase and projected cost of construction.
- 3 A plat of survey and/or site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the County Planning and Zoning Administrator showing the location, boundaries, dimensions, uses and sizes of the following as deemed appropriate by the Office of Planning and Zoning Administration: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways and utilities; off-street parking, loading areas, and driveways; existing highway access restrictions; ordinary high water mark, channel, floodway, floodplain, and shoreland boundaries; and existing and proposed street, sides, rear, and shore yard setbacks. In addition, the site plan or plat of survey shall show, when required by the Office of Planning and Zoning Administration, the type, slope, and boundaries of soils shown on the operational soil survey maps prepared by the United State Department of Agriculture Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission. Also, such survey/site plan shall show, when required by the Office of Planning and Zoning Administration, any natural features such as waterways, woods, terrain, etc., which would tend to restrict the development of the parcel. Such survey or plan shall also show the location and size of any septic field, holding tank, well, utilities and roadways. Dimensions for street, sides, rear and shore yard setbacks shall be clearly shown. All permit applications for new principal structures in any district shall be accompanied by a plat of survey prepared by a land surveyor registered by the State of Wisconsin. (11/5/84)
- 4 The permit fee specified in section 12.05-8.
- 5 Additional information that may be required by the County Land Use Committee, Director or County Sanitary Inspector. (11/5/84)

12.05-2

APPLICATIONS NOT REQUIRED

Except for development and substantial improvements in the FPO Floodplain Overlay District, permits shall not be required for:

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

- (b) Farm improvements such as drainage irrigation systems, grass waterways and terraces, farm fences except as outlined in this ordinance.
- (c) Public utilities such as gas and oil pipe lines, electric and telephone transmission and distribution lines, poles and other accessories which shall be permitted in all districts except for those areas defined as Shoreland areas provided, however, that when a utility proposes a major inter-city transmission line or pipeline, it give notice to the Land Use Committee of such intention and of the time and place of hearing before the Public Service Commission and provided further that at the request of the Committee, the utility meet with it to discuss the routing of said transmission line or pipe line and before actual construction, file a mapped description of the route of such transmission line with the Committee. (11/5/84)
- (d) Repairs and other alterations which do not change the cubic footage of a building or structure and do not constitute a change in use and meet all street, sides, rear and shore yard setback requirements.
- (e) Structures 150 square feet or less in area and not more than fifteen feet in height. Such structures must, however, conform with the yard requirements of the district in which they are located, or if the structure is located in the rear yard, with the requirements set forth in section 12.27-2(a)1 of this Ordinance. (6/2/92)

12.05-3 TIME LIMITS

- (a) All permits, except conditional use permits, shall be granted or denied in writing, within 30 days after application, by the Office of Planning and Zoning Administration. All conditional use permits shall be granted or denied within 60 days after application, unless the time is extended by mutual agreement. All stipulated shoreland permits shall be granted or denied within 30 days after application, unless the time is extended by mutual agreement. The applicant shall post any permit granted in a conspicuous place at the site. The zoning permit shall expire within six months, unless substantial construction, as defined herein, has been commenced, or within 18 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, as defined herein, and the applicant in such case shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this ordinance shall be null and void.
- (b) For purposes of this section, "substantial construction" will have been "commenced" if the value of such work that has been commenced is equivalent to 25% of the projected cost of the project as noted on the application for the permit.
- (c) For purposes of this section, "substantially completed" shall be deemed to mean that construction equivalent to 75% of the projected cost of the project as noted in the application for the permit, has, in fact, been completed.

12.05-4 FOUNDATION SURVEY REQUIREMENTS

- (a) Except as provided for in subsection (b), any person erecting, moving, enlarging or reconstructing a structure, which, under this ordinance, requires a zoning permit shall upon completion of the construction of footings,

concrete slab or other foundations, submit to the Office of Planning and Zoning Administration a survey prepared by a registered land surveyor showing the locations, boundaries, dimensions, elevations and size of the following: The boundaries of the lot, all existing structures (including foundations) and their relationship to the lot lines. The County Director of Planning and Zoning shall compare the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. No further construction may commence unless the Director of Planning and Zoning shall find that the foundation location is consistent with the permit as issued and shall so certify. Failure to comply with the requirements of this section shall be grounds for the issuance of a citation pursuant to section 12.32-3 of this Ordinance, and attendant penalties. (6/2/92)

- (b) A foundation survey shall not be required for the construction of any structure located at least 200 feet from any property line or 200 feet from any navigable body of water.
- (c) In addition to the exception provided for in subsection (b) above, the foundation survey requirements may be waived at the option of the permit applicant, for any construction, except for construction of a principal structure, provided that the permit applicant shall file and record with the Office of Planning and Zoning Administration and with the Kenosha County Register of Deeds an "Assumption of Liability" which shall be binding on the permit applicant and his estate and which shall forewarn future owners of said parcel of the lack of a certified foundation survey verifying that structures located on the parcel are in conformity to the ordinance and further, that if any error is made on the placement of any construction or structure, or if a zoning violation is later discovered, the applicant and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages. Structures illegally located on a parcel are in violation of the Kenosha County Zoning Ordinance. Applicable statute of limitations for prosecution of such violations shall not begin to run until such time as a certified survey has been filed with the Office of Planning and Zoning Administration and the Register of Deeds indicating the location of the structures on the parcel. (6/2/92)

12.05-5

CERTIFICATE OF COMPLIANCE

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

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

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

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

12.05-6 OTHER PERMITS

It is the responsibility of a permit applicant to secure all other necessary permits required by any federal, state, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 and 31 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act, as amended.

12.05-7 DISCLAIMER

All permits issued by the Office of Planning and Zoning Administration and Land Use Committee shall note the following disclaimer therein: (11/5/84)

"Each applicant for a Zoning Permit is charged with knowledge of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance. Copies of the text of this ordinance or portions thereof and copies of the official zoning maps are available for sale, copying or inspection upon request. Any statement made, assurance given or permit erroneously issued contrary to this Ordinance is null and void."

12.05-8 FEES

The following fees shall be collected by the Office of Planning and Zoning Administration so as to partially defer its cost of operation:

(a) <u>Type of permit</u>	<u>Fee</u>
Accessory buildings over 150 sq. ft in area	10.00
Accessory building addition or alteration	10.00
Addition to a billboard	1.00/sq.foot
Addition to advertising sign	15.00
Addition, alteration or conversion to:	
Agricultural structure	10.00
Commercial structure	25.00
Industrial structure	35.00
Residential structure	10.00
Any other structure	15.00
Advertising signs (temporary, permanent or portable)	25.00
Appeal to Board of Adjustment of administrative decisions not related to a variance request	20.00
Billboards	1.00/sq.foot
Certificate of Compliance	20.00
Conditional use Permit	125.00
Fences	15.00
Planned Unit Development Review Fee	20.00/unit
Principal Building	
Agricultural	15.00
Commercial	50.00
Industrial	75.00
Institutional and Park	15.00
Residential	
Single family	15.00
Two-family	20.00
Multi-family	30.00/building

Request for rezoning (map or text amendment)	150.00
Stipulated shoreland permits	50.00
Swimming pool fees	10.00
Tower Signs	10.00/ft.in height
Variances	125.00
All other permits	25.00

- (b) The office shall issue a receipt upon receiving all such fees.
- (c) The above schedule of fees may be amended annually by increases of not more than 10% over the preceding year's schedule.
- (d) Kenosha County and any town located within Kenosha County shall be exempt from payment of any of the above fees in subsection (a).

12.05-9 TRIPLE FEES

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

12.05-10 DISPOSITION OF FEES

- (a) All fees collected by the Kenosha County Office of Planning and Zoning Administration for permits issued through that office shall be retained by Kenosha County. County employees shall not be eligible to retain any of the fees collected.
- (b) Except fees collected for appeals to the Board of Adjustments, Conditional Use Permits or requests for re-zoning, all fees collected for zoning permits by towns or town deputy zoning administrators/building inspectors shall be disposed of in the following manner: 50% to be forwarded to the Kenosha County Office of Planning and Zoning Administration, 50% to the town wherein the property is located if the Town Deputy is a full-time employee of the Town, or in the alternative, 50% to the Town Deputy if such Deputy is a part-time employee.

12.05-11 REFUNDS

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

D. OPERATIONS AND PROCEDURES

12.06-1 HOURS

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

12.06-2 RECORDS AND TAPES

The Office of Planning and Zoning Administration shall be responsible for keeping all records and indexes for petitions, applications, complaints, permits, studies, plans, officially approved maps, surveys, plats, resolutions, reports, accounts, determinations and findings, minutes of official proceedings and tapes of such proceedings by parcel number wherever feasible. Such records shall be deemed to be public records and open to the public except when directed by the Kenosha County Land Use Committee in accordance with Wisconsin Statutes. Office records

maintained by the Office of Planning and Zoning Administration shall not be destroyed except in accordance with State law and with county board approval. The source of complaints for violations of those ordinances to be enforced by the Office of Planning and Zoning Administration shall not be revealed if the complainant has been given a promise of confidentiality. (11/5/84)

12.06-3 FORMS

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

12.06-4 LEGAL NOTICE REQUIREMENTS AND TIME LIMITS

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

12.06-5 OFFICE OF BOARD OF ADJUSTMENT

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

12.06-6 OFFICE ASSISTANCE

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

III. GENERAL LAND USE REGULATIONS

A. GENERAL PROVISIONS

12.07-1 INTRODUCTION

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

12.07-2 COMPLIANCE

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

B. USE REGULATIONS

12.08-1 USES ALLOWED

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

- (a) Principal uses and structures specified for a district and permitted as a matter of right.
- (b) Accessory uses and structures are permitted as a matter of right in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except as may be provided in sections 12.09-1 and 12.09-2 of this ordinance. No accessory structure shall be occupied as a separate dwelling unit. Accessory uses and structures are further regulated by section 12.08-2 of this Ordinance. (6/2/92)
- (c) Conditional uses, as defined in section 12.29-1 and their accessory uses may be permitted only in specified districts after review, public hearing and approval by the Kenosha County Land Use Committee in accordance with procedures and standards established in this ordinance. (11/5/84)
- (d) Stipulated Shoreland Uses, as may be provided for section 12.18-9 of this ordinance.
- (e) Temporary uses and structures, as may be provided for under this ordinance.

12.08-2 SITE PLAN REVIEW (6/2/92)

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure without first obtaining the approval of a detailed site plan as set forth in this section.

The Planning and Zoning Administrator shall review and approve the site plans, existing and proposed structures, architectural plans, building construction plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, lighting plans, utilization of landscaping

and open space, and the proposed operation for all development classified as a principal or accessory use in any district except the A-1, A-2, A-3, and A-4 agricultural districts, the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 residential districts.

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

- 1 No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- 2 No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- 3 No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- 4 The facade of all buildings which face upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing an existing or future street shall be finished with a combination of brick, decorative masonry material, decorative precast concrete panels, decorative glass panels, wood, or decorative metal or vinyl siding. Such finished material shall extend for a distance of at least 10 feet along the sides of the structure. All buildings on corner lots shall have the required finished facade facing each street.
- 5 Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- 6 Building Rooflines and Roof Shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, and cornices) shall be maintained in building development and redevelopment.
- 7 Since the selection of building colors has a significant impact upon the public and neighboring properties, color shall be selected in general harmony with existing neighborhood buildings.
- 8 No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- 9 Appropriate erosion control and stormwater management measures shall be utilized in all new development. Buildings and uses shall maintain existing

topography, drainage patterns, and vegetative cover insofar as is practical. The Zoning Administrator or Land Use Committee may require that drainage easements be executed.

- 10 Appropriate buffers shall be provided between dissimilar uses.
- 11 Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- 12 Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead doors shall face upon a street right-of-way without approval of the Planning and Zoning Administrator.
- 13 Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
- 14 Exterior lighting used for parking lots, recreation facilities, product display, and security shall not spill-over on operators of motor vehicles, pedestrians, and/or adjacent residential property.
- 15 Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- 16 Buildings and uses shall make appropriate use of open spaces. The Zoning Administrator or Land Use Committee may require appropriate landscaping and planting screens. A landscaping maintenance program, together with appropriate assurances, shall be submitted.

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

C. HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES

12.09-1 REQUIREMENTS

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

- (a) The home occupation or profession shall be clearly incidental to the residential use of the dwelling and parcel and shall not change the essential residential character of the dwelling and parcel.
- (b) Use of the dwelling and parcel for this purpose shall be limited to only 25 percent (25%) of one floor of either the principal building or an accessory building.
- (c) No accessory buildings or outside storage shall be used in connection with the home occupation except as provided in section (b).
- (d) No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical or dental equipment used for professional purposes.
- (e) Machinery that causes noises or other interference in radio or television reception shall be prohibited.

- (f) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- (g) Residents of the dwelling only may be engaged in the home occupation. In the case of professional offices, no more than one non-resident may be employed on the premises.
- (h) No display of products shall be visible from the street and only articles made on the premises may be sold on the premises.
- (i) Instruction in music, dancing and similar subjects shall be limited to two students at a time.
- (j) No more than three vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.
- (k) Signs shall be subject to regulations in section 12.14-1 through section 12.14-9 of this Ordinance.

12.09-2 CUSTOMARY HOME OCCUPATIONS

(a) The following are hereby declared to be customary home occupations as intended by this section:

- 1 Architects
- 2 Artist, sculptor
- 3 Author
- 4 Doctor, Dentists
- 5 Dressmaker, seamstress
- 6 Insurance salesmen
- 7 Lawyers
- 8 Minister
- 9 Music and dance teacher
- 10 Real estate sales

(b) It is recognized that it is neither possible nor practicable to list all of the home occupations that are compatible with those listed above and therefore, it is intended that the aforementioned list of home occupations be illustrative only. Any individual aggrieved by a failure to list a particular home occupation in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended home occupation with the home occupations listed above.

D. SITE REGULATIONS

12.10-1 STRUCTURES PER LOT; PUBLIC ACCESS

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

12.10-2 SANITARY WIDTH REQUIREMENTS

Except as provided for in section 12.10-3, lots serviced by a public sanitary sewer system shall have a minimum frontage of 75 feet in width at the front lot line except in the R-6 Urban

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

- 12.10-3 LOTS ABUTTING CUL-DE-SACS
All lots abutting cul-de-sacs and curves may reduce the frontage on a public street or other officially approved means of access as outlined in each district ONLY.
- 12.10-4 MULTIPLE DISTRICT LOTS
Any lot or parcel containing more than one zoning district shall be considered to be entirely within the least restrictive district as defined in this ordinance provided, however, that in no case shall a district boundary be relocated a distance greater than 75 feet.
- 12.10-5 STORAGE AND DISCHARGE PROHIBITED
No waste material such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other materials of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be so located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters. Nor shall any such material be allowed to accumulate on any lot of record so as to be unsightly, dangerous or so as to constitute a nuisance. No gasoline storage tanks shall be permitted in a residential district and no more than two cords of firewood may be stored on any parcel located in the R-2 through R-12 Districts.
- 12.10-6 HOLDING TANKS
The use of holding tanks shall be regulated by the Kenosha County Sanitary Ordinance. In the case of conflict between this ordinance and the Sanitary Ordinance, the Sanitary Ordinance shall control.
- 12.10-7 REDUCTION OR JOINT USE
No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.
- 12.10-8 LOTS ABUTTING MORE RESTRICTIVE DISTRICTS
Lots which abut upon more restrictive districts shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard on the less restrictive district shall be modified for a distance of not more than 75 feet from the district boundary line so as to equal the average of the street yards required in each district. (11/5/84)
- 12.10-9 BACKLOT DEVELOPMENT PROHIBITED (6/2/92)
Backlot development or lake lot pyramiding on Kenosha County lakes is prohibited. Lots abutting a lake which is zoned for single-family residential development shall be used on a

continuing basis for only one family. The purchase of a single lot or outlot abutting a lake shall not be used as access for subdivisions and other developments located away from the lake.

E. RESERVED FOR FUTURE USE

12.11-1 Reserved for future use

F. PERFORMANCE STANDARDS

12.12-1 INTENT

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

12.12-2 PROCEDURE

- (a) Prior to construction and operation. Any application for a permit under this ordinance or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the performance standards hereinafter set forth.
- (b) Continued compliance. Continued compliance with the regulations and standards heretofore set forth in this section is required and enforcement of such continued compliance with these regulations and standards shall be a duty of the Office of Planning and Zoning Administration.
- (c) Determination of violation. The Office of Planning and Zoning Administration shall investigate any reported violation of the hereinafter noted regulations and standards and, if there is reasonable grounds for the same, shall proceed in accordance with paragraph (d) below and section 12.31 of this ordinance.
- (d) Termination of violation. All violations, as ascertained in accordance with paragraph (c) above shall be terminated within 30 days after notice of such violation and in the event that said violation is not terminated, it shall be deemed a separate violation for each date of its existence and subject to fines as set forth in this ordinance, except that certain uses established before the effective date of this ordinance and non-conforming as to the regulations and standards hereinafter set forth shall be given not more than 180 days in which to conform therewith after the determination of the existence of such violation and in the event said violation is not terminated, it shall be deemed a separate violation for each day it existed since the effective date of this ordinance.

12.12-3 REGULATION OF NUISANCE ELEMENTS

- (a) No land or building in any district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; water pollution; electrical, radioactive or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area or premises; provided that any use permitted by this ordinance may be undertaken and maintained if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.
- (b) The determination of the existence of any dangerous and objectionable elements shall be made at:
- 1 The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
 - 2 The property lines of the use creating such elements for noise, vibration, glare and odors.

12.12-4 PERFORMANCE STANDARDS TO BE ENFORCED

- (a) Air pollution. No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such quantities as to cause soiling or danger to the health of person, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than number two on the Ringleman Chart described in section NR154 of the Wisconsin Administrative Code and amendments thereto.
- (b) Electrical, radioactive or other disturbances. No activity shall emit electrical, radioactive or other disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises. All applicable federal and state regulations shall be complied with.
- (c) Fire and explosive hazards. All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

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

- (d) Glare and heat. No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principle use is located. All operations

producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

- (e) **Noise.** At the points of measurement specified in section 12.12-3(b)2, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., New York, N.Y. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y. shall be used.)

Table I

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

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

Table II

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

*Apply one of these corrections only.

- (f) **Odors.** Except in the A-1, A-2 and A-4 Districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.

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

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

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

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

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

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

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

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

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

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

- 1 Tillage and grazing of lands with slopes of 12% or greater shall be permitted only if such tilling and grazing make use of contour cropping practices, strip cropping practices or cropping terraces.

Spreading the manure or fertilizer on frozen ground and establishment of feed lots shall be prohibited when such practice would cause direct run off of pollutants into a drainage way or water course.

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

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

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

(k) Water quality protection.

1 No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

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

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

1 Floodproofing measures shall be designed to:
 a Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and

- b Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and
 - c Provide anchorage of structures to foundations to resist flotation and lateral movement; and
 - d Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.
- 2 No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood for the particular area.
- 3 Floodproofing measures may include, but are not limited to:
- a Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
 - b Addition of mass or weight to structures to prevent floatation;
 - c Placement of essential utilities above the flood protection elevation;
 - d Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
 - e Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems;
 - f Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and/or
 - g The construction of permanent or moveable watertight bulkheads, erection of permanent watertight shutters and doors, and installation of wire reinforced glass or glass block for windows.

G. TRAFFIC, PARKING AND ACCESS

12.13-1 TRAFFIC VISIBILITY (Vision Triangle)

- (a) No obstructions, such as structures, fences, parking or vegetation shall be permitted in any business, manufacturing or institutional district between the heights of two (2) feet and ten (10) feet above the plane through the centerline of the road within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection. (See illustration No. 2).
- (b) In the case of any federal, state or county highway or town road intersection with any other federal, state or county highway or town road or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

12.13-2 LOADING REQUIREMENTS

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

- (b) On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.
- 1 Businesses: One (1) space of at least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.
 - 2 Wholesale and Industrial: One (1) space of at least 10x50 feet for each 10,000 square feet of floor area or part thereof.
 - 3 Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

12.13-3

PARKING REQUIREMENTS

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

Number of Off-Street Parking Stalls

(a) Residential Uses

- 1 Single-family dwellings
2 stalls for each dwelling
- 2 Mobile homes
2 stalls for each mobile home
- 3 Two-family dwellings
4 stalls per building
- 4 Multiple family dwellings
2 stalls for one and two bedroom units; 2.5 stalls for three or more bedroom units; plus one stall for every eight units for guest parking
- 5 Housing for elderly
1 stall for each dwelling unit plus 1 stall for every eight units for guest parking

(b) Commercial Uses

- 1 Automobile repair garages and services garages
1 space for each regular employee plus 1 space for each 250 square feet of floor area used for repair work
- 2 Financial institutions; and professional offices
1 stall for each 300 square feet of primary floor area plus 1 stall for every two employees
- 3 Funeral homes
20 stalls for each potential viewing room
- 4 Gasoline filling stations
2 spaces for each grease rack or similar facility plus 1 space for each attendant
- 5 Hotels, motels
1 stall for each guest room plus one stall for each three employees
- 6 Motor vehicles sales (new and used)
1 space for each 500 square feet of floor area used plus 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages--see above)
- 7 Restaurants, theaters, bars, clubs, lodges, and places of entertainment
1 stall for each 100 square feet of floor area plus 1 stall for every two employees

- 8 Shopping centers, discount family stores and full service food stores
1 stall for each 150 square feet of floor area plus 1 stall for every two employees
- 9 Free standing retail and service stores, convenient food stores
1 stall for each 200 square feet of primary floor area plus 1 stall for every two employees
- (c) Manufacturing Uses
 - 1 Manufacturing and processing plants, laboratories, and warehouses
1 stall for each two employees during any 12 hour period
- (d) Institutional Uses
 - 1 Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly
1 stall for every five seats
 - 2 Colleges, secondary and elementary schools
1 stall for every employee plus one stall for every 10 students between the ages of 16 and 18 and one stall for every 5 students over 18 years of age
 - 3 Governmental offices
1 stall for every 300 square feet of floor area
 - 4 Medical and dental clinics
5 stalls for every doctor plus one stall for every employee
 - 5 Orphanage, convent, rectories, monasteries
1 stall for every 2000 square feet of floor area
 - 6 Sanitariums, hospitals, institutions, rest and nursing homes
1 stall for every three beds plus one stall for every three employees
 - 7 Sororities, dormitories, lodging and boarding houses
1 stall for each bed
- (e) Recreational Uses (Commercial or non-commercial)
 - 1 Bowling alleys
6 parking spaces for each lane plus additional spaces as may be required herein for affiliated uses such as restaurants and other accessory uses
 - 2 Health salons, swimming pools, skating rinks and dance halls-Commercial
1 parking space for every three persons, based on the maximum number of persons that can be accommodated at the same time in accordance with such design capacity and fire department regulations, and one parking space for every two employees
 - 3 Park, recreation areas and community centers
1 parking space for every two employees, plus spaces in adequate number, as determined by the Office of Planning and Zoning Administration to serve the visiting public.
- (f) Uses not listed
In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
- (g) Combinations
Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

- (h) **Adequate Access**
Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and at least twenty-four (24) feet wide for all other uses.
- (i) **Size**
The size of each parking space shall be not less than two hundred square feet exclusive of the space required for ingress and egress.
- (j) **Location**
The location of each parking space shall be on the same lot as the principal use unless parking space is provided on another parcel, in which case, all parking lots shall have the same zoning district as the principal use. Parking lots shall be a minimum of 20 feet from the established highway right-of-way.
- (k) **Surfacing**
All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (l) **Screening**
Any off-street parking area, other than that provided for a residence which abuts or faces a residential zoning district and where the vehicles will travel or be parked within 50 feet of the residence district line, shall provide a planting screen, landscaped earth berm, landscaped fence or wall at least three feet in height at time of planting along the side abutting or fronting on a residence district. Plans for such screen shall be submitted to the Office of Planning and Zoning Administration for approval before installation.
- (m) **Lighting**
Exterior lighting provided in any parking area shall be shielded or directed in such a manner so as to prevent light from shining directly onto abutting properties.
- (n) **Curbs or Barriers**
Curbs or barriers shall be installed so as to prevent the parked vehicles from extending any closer than five feet from any side and rear lot line except where the parking space abuts a residential district it shall be no less than 10 feet.
- (o) **Semi-trailers**
Semi-trucks, trailers and cabs, specialized construction equipment and vehicles such as, but not limited to back-hoes, bulldozers, dump trucks, and mobile homes shall not be permitted to be parked in residential zoning districts.

Except within permitted transshipment depots, no trailer shall be used for continuous outdoor storage. Continuous outdoor storage shall be the use of a trailer for the storage of a product to be sold for more than 30 days in a 365-day period. (6/2/92)
- (p) **Recreational Vehicles and Boats**
No recreational vehicles or boats shall be parked in a front yard. No more than two recreational vehicles and or boats may be parked in the side or rear yard outside of an enclosed structure. This section shall also relate to

boat trailers, snowmobiles and their trailers, minibikes or trail bikes and their trailers, unoccupied tent campers, travel trailers and mobile homes.

12.13-4 DRIVEWAYS AND HIGHWAY ACCESS

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

- (a) Openings for vehicular ingress and egress shall not exceed thirty (30) feet at the street line and thirty-five (35) feet at the roadway.
- (b) Vehicle entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicle sales and service, car washes, service stations, garages, or public parking lots shall be not less than three hundred (300) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, or other place of public assembly.
- (c) No direct public or private access shall be permitted to the existing or proposed rights-of-ways of freeways, interstate highways, and interchanges and their entrances or exit ramps nor within 500 feet of the most remote end of the taper of the entrances or exit ramp. (see illustration #3).
- (d) No direct public or private access shall be permitted to any existing or proposed Federal, State Trunk, or County Trunk Highway within 100 feet of its intersection with another street or highway.
- (e) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicle ingress or egress to the above specified streets or highways.
- (f) Temporary access to the rights-of-way in section (c), (d) and (e) may be granted by the Board of Adjustments after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

H. SIGNS

12.14-1 PERMIT REQUIRED

- (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, excepts those signs permitted under Section 12.14-2, without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, and Chapter H19 of the Wisconsin Administrative Code as hereinafter amended or recreated. The sign shall also meet all the structural requirements of local and state building codes.
- (b) Before any sign for which a permit is required by this ordinance is erected, there shall be submitted to the Office of Planning and Zoning Administration the written consent of the owner of the land upon which the sign is to be located that permission has been so granted, a scale drawing of the proposed sign indicating its location on the premises and its relationship to other structures and

property lines, and a computation of the display area as defined in this ordinance.

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

12.14-2 SIGNS PROHIBITED

Hazards or nuisances: No sign which creates a hazard or dangerous distraction to vehicle traffic or a nuisance to adjoining property shall be permitted in any district. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices, nor obstruct or interfere with the effectiveness of said devices. Flashing signs and inflatable signs are hereby prohibited. For the purpose of this Ordinance, time and temperature devices, and changeable copy signs shall not be considered flashing signs. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of any sign or any anchor, brace, or guide rod shall be erected, relocated, put up, or maintained so as to hinder or prevent ingress or egress from public or private driveways, parking lots or fire escapes or through a door, doorway, or window or so as to hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against a building by the fire department as necessity therefore may require. No sign shall be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public right-of-ways. (6/2/92)

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

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

- (a) **Agricultural product and farm identification signs**
Limited to two signs per highway frontage, not exceeding 20 square feet in area, and related to the agricultural premises on which it is installed. Farm signs shall be located not closer than 15 feet from a public right-of-way. (6/2/92)
- (b) **Bulletin Boards**
Public, charitable or religious institution bulletin boards not to exceed 48 square feet in display area located on the premises. Setback requirements shall be enforced.
- (c) **Directional Signs**
A sign not to exceed 12 square feet in area, for the purpose of directing persons to service clubs, churches, hospitals or schools or other non-profit organizations within the County may be permitted in any district. No setback is required.
- (d) **Home Occupation Signs**
Signs for home occupations permitted under section 12.09-1 and 12.09-2, provided, however, that there shall be only one sign permitted on the parcel, being unlighted and limited to not more than 4 square feet.
- (e) **Name, Occupation and Warning Signs**
Said signs are not to exceed four (4) square feet in display area located on the premises, and not closer than fifty (50) feet between signs. No setback is required.

- (f) **Official Signs**
Such as traffic control, parking restrictions, information and notices. Such signs may be permitted within the road right-of-way.
- (g) **Real Estate Signs**
Real estate signs not over nine (9) square feet in area and which signs pertain to the lease, hire or sale of land, building or part thereof upon which the sign is located provided there is no more than (1) sign for each street frontage and it is located at least fifteen (15) feet from the outer edge of the highway right-of-way.
- (h) **Political Posters (temporary)**
Political signs, provided they are not erected before the date of filing nomination papers for an elected office, and are removed within one month after the election, provided any such sign is a least 15 feet from the outer edge of the highway right-of-way line and with respect to corner lots, is not located within the vision triangle.
- (i) **Special Event Signs**
Temporary signs or banners for the purpose of advertising a festival or auction or bazaar or other special event providing any such sign is at least fifteen (15) feet from the outer edge of the highway right-of-way and is located more than one hundred (100) feet from any intersection.

12.14-4

SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS

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

- (a) **Real Estate Development Signs**
Permanent real estate development signs
A sign which is permanently located at entrances or along streets or highways which designate a particular development and which only include the name of the development shall be permitted, however, all such signs shall be at least 15 feet from the outer edge of the highway or street right-of-way, and provided further that such signs shall be constructed and properly maintained so as to be aesthetically pleasing to the surrounding development. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Office of Planning and Zoning Administration for approval and the permitted size and location of any such sign shall be at the discretion of the Director of Planning and Zoning based upon the character of the area, the type and purpose of sign and the length of time permitted.
- (b) **Temporary Development Signs**
A sign for the purpose of designating a new building or development, for promotion of a subdivision or for similar special informational purpose may be permitted for a limited period of time in any district with the approval of the Office of Planning and Zoning Administration and subject to the following:
 - 1 Drawings showing the specific design, appearance and location of the sign shall be submitted to the Office of

Planning and Zoning Administration for approval.

- 2 The permitted size of the signs shall not exceed 50 square feet and shall be located in the development site. No more than two such signs shall be permitted.
- 3 Such sign may be permitted for a period up to two years, and extension may be permitted for a period not to exceed six years total.
- 4 All signs shall not be closer than 15 feet from the outer edge of the highway or street right-of-way.

12.14-5

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

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

(a) **Ground Signs**

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

Larger developments with multiple street frontages and multiple entrances may erect a ground sign at one or more of the entrances provided that no ground sign is located closer than 300 feet to another ground sign on the same property. All other area, height, and setback requirements for ground signs as set forth above shall be complied with. (6/2/92)

(b) **Portable Signs**

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

(c) **Projecting Signs**

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

- (d) **Tower Signs**
Tower signs may be permitted adjacent to or within 100 feet of the right-of-way of a freeway, or an abutting frontage road, and shall not exceed 65 feet in height. No tower sign shall be located closer than 300 feet to a ground sign, projecting sign, or wall sign. No tower sign shall be located closer than 1,000 feet to another tower sign. Said signs shall be properly secured to the ground to the satisfaction of the Office of Planning and Development. Said signs shall be at least 30 feet from the right-of-way of any highway or street and shall not exceed 300 square feet in display area on any one side nor 600 square feet in display area in all sides for any one premise. (6/2/92)
- (e) **Wall Signs**
Wall signs shall be permitted provided, however, that they are placed against the exterior walls of buildings and shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in display area for any one main structure, and shall not exceed twenty (20) feet in height above the mean centerline street grade as defined in this ordinance.
- (f) **Window Signs**
Window signs shall be placed only on the inside of commercial buildings and shall not exceed sixty (60) percent of the glass area of the pane upon which the sign is displayed.
- (g) **Combination of Signs**
The total of all signs, except window signs, erected or placed on any one premise shall not exceed 1200 square feet in total display area.
- (h) **Search Lights**
The temporary use of search lights for advertising purposes may be permitted provided that the search light will not be located in any public right-of-way, will not be located closer than ten feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than 12 days in any six-month period.

- 12.14-6 **SIGNS PERMITTED IN SHORELAND/FLOODPLAIN AREAS**
All signs in shoreland areas that are visible to stream or lake users at any time of the year shall not exceed 25 square feet in area on one side nor 50 square feet in area on all sides for any one premise; shall not exceed a height of 20 feet above the ordinary high water mark; shall not be located closer than 10 feet to any side lot lines; shall not be located closer than 75 feet to any shoreline; and, shall not be located closer than 15 feet to any highway right-of-way. (11/5/86)
- 12.14-7 **CONSERVANCY DISTRICT SIGNS**
No commercial advertising sign shall be permitted in the C-1 or C-2 Districts.
- 12.14-8 **EXISTING SIGNS**
Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 12.28-8 shall apply.

12.14-9

CONSTRUCTION AND MAINTENANCE OF SIGNS

- (a) **Wind Pressure and Dead Load Requirements**
All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.
- (b) **Protection of the Public**
The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- (c) **Maintenance**
Except for non-conforming signs, the owner of any sign shall keep a sign in good maintenance and repair which includes restoring, repainting, or replacing a worn or damaged sign to its original condition. The owner of all conforming and non-conforming signs shall, however, maintain the premises on which the sign is erected in a clean, safe, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- (d) **Supporting Members or Braces**
All signs shall be constructed of galvanized iron, properly treated steel, copper, brass, or other noncorrosive incombustible material or properly treated and structurally sound wood. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction, and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Office of Planning and Zoning Administration determine that the safe and permanent support of such sign so requires, and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Office of Planning and Zoning Administration. Small flat signs containing less than 10 feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Office of Planning and Zoning Administration.

I. FENCES

12.15-1

PERMIT REQUIRED

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

12.15-2

FENCES PERMITTED WITHOUT A ZONING PERMIT

The following fences are permitted as specified without a zoning permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility:

- (a) A snow fence shall be permitted in all districts when comprised of wooden pickets bound together by wire and not exceeding four feet in height and removed between May 1 and November 1 of each year. No privately owned snow fence shall extend beyond the highway right-of-way line.
- (b) Fences to be installed around swimming pools shall be governed by the provisions of section 12.17-7.
- (c) Agricultural fences in the A-1, A-2, A-3 and A-4 Districts shall be permitted provided that they do not extend beyond the highway or road right-of-way.
- (d) Decorative fences not exceeding two feet in height shall be permitted in all districts.
- (e) No fence, except barbed wire fences for agricultural purposes, shall be constructed or placed within the required shore yard in any district or within the 100-year recurrence interval floodplain. (6/2/92)

12.15-3

FENCES OR WALLS FOR WHICH A ZONING PERMIT IS REQUIRED

- (a) Residential fences or walls are permitted on the property lines in residential districts, but shall not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the street yard. Residential fences or walls may be six (6) feet in height in the rear street yard of a double frontage lot or in the side street yard of a corner lot not closer than fifteen (15) feet. Residential fences or walls shall be not closer than two (2) feet to any public right-of-way and no fence or wall greater than two (2) feet in height shall be placed within the vision triangle. No fence or wall which incorporates barbed wire shall be permitted in residential districts. Residential fences shall not be constructed or placed within the required shore yard in any district or within the 100-year recurrence interval floodplain. (6/2/92)
- (b) Security fences or walls are permitted in all districts other than residential districts. Security fences or walls may be placed on side and rear property lines, but shall not be located closer than two (2) feet to a public right-of-way line. Security fences or walls shall not exceed ten (10) feet in height. No fence or walls greater than two (2) feet in height shall be placed within the vision triangle. Security fences shall not be constructed or placed within the required shore yard in any district or within the 100-year recurrence interval floodplain. (6/2/92)

J. PET AND ANIMAL REGULATIONS

12.16-1 TOWN RESPONSIBILITY

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

K. SWIMMING POOLS

12.17-1 COMPLIANCE

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

- 12.17-2 **DISTRICTS**
Swimming pools may be installed in all districts except the C-1, Lowland Resource Conservancy District, FPO, Floodplain Overlay District, HO, Historic Overlay District, and AEO, Adult Entertainment Overlay District.
- 12.17-3 **PERMIT REQUIRED**
It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and accessories thereto within the unincorporated area of Kenosha County unless permits therefore shall have first been obtained from the Office of Planning and Zoning Administration.
- 12.17-4 **APPLICATION**
All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Office of Planning and Zoning Administration for examination and approval as to proper location and construction.
- All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the pool, walk, deck, fence construction, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool.
- All private residential swimming pools and accessories thereto, water supply and drainage systems shall be constructed in conformity with the approved plans.
- 12.17-5 **LOCATION**
No portion of a swimming pool outside a building, including a surrounding deck and fence, shall be located at a distance of less than eight feet from any side or rear property line or building line. Such pool shall also comply with any and all state or local regulations with respect to the distances from an on-site sewage disposal absorption system. On corner lots, all street yards, setbacks or property lines shall be complied with. Pumps, filters and pool water disinfection equipment installations and all other accessories shall be located at a distance not less than eight feet from any side property line. Such pools may be installed only in the rear yard of a premise. All state requirements with respect to the Wisconsin Administrative Code, Section H62.20 as hereinafter amended or recreated relating to setbacks from an on-site sewage disposal absorption system shall be complied with.
- 12.17-6 **AREA**
Such pool may be constructed provided however it does not occupy more than 40 per cent of the usable area of the rear yard excluding all garages or other accessory structures located in such area.
- 12.17-7 **SAFETY FEATURES**
No swimming pool shall be installed or maintained unless:
(a) There shall be erected and maintained a good quality fence not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located. In lieu of a fence, the staff of the Office of Planning and Zoning Administration may, on a case-by-case basis, approve other measures designed to prevent unauthorized access to the pool. (11/5/84)

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

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

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

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

L. SHORELAND REGULATIONS

12.18-1 REGULATIONS
All applicable use, site, or sanitary restrictions and regulations shall apply to shorelands in addition to those listed below.

12.18-2 TREE CUTTING AND SHRUBBERY CLEARING
Tree cutting and shrubbery clearing within 100 feet of the ordinary high water mark of all navigable waters is prohibited except for home site development, as defined in this ordinance, and park site development; access roads; path and trail construction; timber stand improvement; customary trimming; dead tree removal; and managed timber harvesting under a State District Forester's Plan. Such tree cutting and shrubbery clearing shall not involve the clear cutting of more than 30 feet in any 100 feet, as measured along the ordinary high water mark, and shall be so regulated as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage substantially screen any development from stream or lake users. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of shoreland cover and the minimum impairment of natural beauty. (11/5/86)

12.18-3 EARTH MOVEMENTS
Earth movements such as construction, altering or enlargement of waterways, removal of stream or lake bed materials, channel clearing, dredging, lagooning, grading, topsoil removal, filling, road cutting, ditching, and soil and water conservation structures are conditional uses requiring review, public hearing and approval by the County Land Use Committee in accordance with Sections 12.29-1 through 12.29-8 of this Ordinance in addition to the permit required from the state agency having jurisdiction under Sections 30.11, 30.12, 30.19, 30.195, and 30.20 of the state statutes. Notwithstanding the aforementioned requirements of this section, the Office of Planning and Zoning Administration may issue a stipulated shoreland permit in accordance with section 12.18-9 of this ordinance. (11/5/84)

12.18-4 STRUCTURES
All structures, except navigational aids, piers and boat launching facilities, shall not be closer than the shoreyard distance as specified in each district of this ordinance.

- 12.18-5 **TILLAGE AND GRAZING**
Tillage, grazing, livestock watering, and feeding and application of fertilizers shall be prohibited unless conducted in accordance with applicable County, State and Federal laws and regulations and unless conducted in such a manner as to safeguard the health, safety and welfare of individuals, animal and aquatic life, in the surrounding environment.
- 12.18-6 **WATER WITHDRAWAL AND DIVERSION USES**
Surface water withdrawal, diversion, or discharge for irrigation, processing, cooling or other purposes are conditional uses requiring a public hearing before the County Land Use Committee in accordance with Sections 12.29-1 through 12.29-8 of this Ordinance. This Committee shall then advise the state agency having jurisdiction under Section 30.18, 144.025(2), and 144.355 of the Wisconsin Statutes of its findings, prior to the issuance of the required state permits. Notwithstanding the aforementioned requirements of this section, the Office of Planning and Zoning Administration may issue a stipulated shoreland permit in accordance with section 12.18-9 of this ordinance. (11/5/84)
- 12.18-7 **CROP PRODUCTION**
Crop production on lands with an erosion factor of three or more is prohibited and such lands shall be planted to permanent vegetation.
- 12.18-8 **WISCONSIN SHORELAND MANAGEMENT PROGRAM**
The use of any parcel of land located within the county's designated Shoreland-Floodplain area shall be conducted in accordance with the provisions of Chapter NR115 of the Wisconsin Administrative Code, Wisconsin's Shoreland Management Program, and in the case of conflict between this ordinance and the Wisconsin Administrative Code, (NR-115) the provision with the greater restriction shall apply.
- 12.18-9 **STIPULATED SHORELAND PERMITS**
Notwithstanding the other requirements set forth in this section, the Office of Planning and Zoning Administration may issue a stipulated Shoreland Permit for those uses listed in section 12.18-3 and 12.18-6 without requiring a conditional use permit provided that the use shall not be susceptible to flooding, concentrated runoff, inadequate drainage, adverse soil and topographic conditions or any other features likely to be harmful to the environment or the public interest. Where it is proposed that a stipulated shoreland permit be issued, the Office of Planning and Zoning Administration shall transmit to the appropriate Town Board, the adjacent property owners within 200' of said property, and to the Wisconsin Department of Natural Resources, a copy of the permit application together with a list of proposed stipulations prepared by the Planning and Zoning Administrator. The town board, adjacent property owners and the Wisconsin Department of Natural Resources shall have 20 days from receipt of the application to recommend to the Office of Planning and Zoning Administration that additional stipulations be imposed on the application. The Office of Planning and Zoning Administration shall not issue the stipulated shoreland permit until the applicant agrees to the stipulations and such stipulated shoreland permit is filed and recorded in the Office of Register of Deeds. The Office of Planning and Zoning Administration shall notify the Wisconsin Department of Natural Resources of the issuance of all stipulated shoreland permits.

IV. DISTRICT REGULATIONS

A. ZONING DISTRICTS

12.19-1 ESTABLISHMENT .

For the purpose of this ordinance, Kenosha County, Wisconsin is hereby divided into twenty-eight (28) basic zoning districts and five (5) overlay districts as follows: (6/2/92)

- A-1 Agricultural Preservation District
- A-2 General Agricultural District
- A-3 Agricultural Related Manufacturing, Warehousing and Marketing District
- A-4 Agricultural Land Holding District

- R-1 Rural Residential District
- R-2 Suburban Single-Family Residential District
- R-3 Urban Single-Family Residential District
- R-4 Urban Single-Family Residential District
- R-5 Urban Single-Family Residential District
- R-6 Urban Single-Family Residential District
- R-7 Suburban Two-Family and Three-Family Residential District
- R-8 Urban Two-Family Residential District
- R-9 Multiple-Family Residential District
- R-10 Multiple-Family Residential District
- R-11 Multiple-Family Residential District
- R-12 Mobile Home Park-Subdivision District

- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 Highway Business District
- B-4 Planned Business District

- M-1 Limited Manufacturing District
- M-2 Heavy Manufacturing District
- M-3 Mineral Extraction District (8/20/91)
- M-4 Sanitary Landfill and Hazardous Waste Disposal District (8/20/91)

- I-1 Institutional District
- PR-1 Park-Recreational District

- C-1 Lowland Resource Conservancy District
- C-2 Upland Resource Conservancy District

- FPO Floodplain Overlay District
- HO Historical Overlay District
- AEO Adult Entertainment Overlay District
- PUD Planned Unit Development Overlay District
- AO Airport Overlay District

12.19-2

DISTRICT DELINEATION

In determining which parcels of land shall be located in the above districts so as to accomplish the intended purpose of these districts, the Kenosha County Office of Planning and Zoning Administration and the Land Use Committee shall make use of, without limitation due to enumeration, all pertinent resources, data, statistics, tables, charts and maps relating to existing land use, adjacent land use, soils, future development, and existing and proposed roads and utilities. (11/5/84)

B. AGRICULTURAL DISTRICTS

12.20-1 A-1 AGRICULTURAL PRESERVATION DISTRICT

(a) Primary Purpose and Characteristics.

The Kenosha County Board of Supervisors recognizes that the rapid conversion of farm land to urban use has lead to increasing public concern over such conversion. This concern centers on the perceived loss of the local agriculture economic base, loss of agricultural land as a valuable natural resource with the attendant loss of the aesthetic and environmental values associated with that resource, and the loss of the rural lifestyle and the unique cultural heritage which emanates from that lifestyle, and the attendant high costs of providing urban services as well as resolving potential urban-rural conflicts which arise as a result of urban encroachment into rural areas. Therefore, the A-1 Agricultural Preservation District is intended to maintain, enhance, and preserve agricultural lands historically utilized for crop production and the raising of livestock. The preservation of such agricultural lands is intended to conserve energy, prevent urban sprawl, maintain open space, retain natural systems and natural processes, control public cost, preserve the local economic base, promote local self-sufficiency, preserve the rural lifestyle, and maintain regional, state and national agricultural reserves. The District is further intended to prevent the premature conversion of agricultural land to scattered residential, commercial and industrial uses. Furthermore, this District is intended to meet and comply with the Wisconsin Farmland Preservation Act of 1977 as amended which requires that all urban counties, of which Kenosha County is one, adopt, prior to 1982, an exclusive agricultural zoning district, so as to allow the owners of such lands an opportunity to continue to claim the farmland preservation credit permitted pursuant to section 71.09(11) of the Wisconsin Statutes.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal uses.

- 1 Apiculture (Beekeeping)
- 2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
- 3 Contract sorting, grading and packaging of fruits and vegetables
- 4 Corn shelling
- 5 Dairy farming and general agriculture
- 6 Essential Services
- 7 One Farm Dwelling
- 8 General farm buildings including agricultural windmills, barns, silos, sheds and storage bins provided, however, that said structures are located at

least 100 feet away from any off premise neighboring residential buildings (6/2/92)

- 9 Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a non-conforming use, provided that the remaining lot shall conform to the yard requirements of this district and the lot area and width requirements for a second single-family farm dwelling as set forth in section 12.29-8(b)(113) of this ordinance
- 10 Single-family residence on lots of record created prior to the adoption of this ordinance where said existing lot is less than 35 acres, (see section 12.28-5)
- 11 Floriculture (cultivation of ornamental flowering plants)
- 12 Forest and game management
- 13 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- 14 Grazing or Pasturing
- 15 Greenhouses, not including retail sales of plants and flowers
- 16 Hay baling
- 17 Livestock raising, except commercial feed lot and fur farms
- 18 Orchards
- 19 Paddocks
- 20 Pea viners
- 21 Plant nurseries
- 22 Poultry raising, except commercial egg production and commercial poultry feed lots
- 23 Raising of grain, grass, mint and seed crops
- 24 Raising of tree fruits, nuts and berries
- 25 Sod farming
- 26 Threshing services
- 27 Vegetable raising
- 28 Viticulture (grape growing)

(c) Accessory Uses

- 1 Feed lot (not commercial and only for permitted farm uses)
- 2 Garages or carports
- 3 Home occupations and professional home offices
- 4 Roadside stands (one such stand permitted only for selected farm products produced on the premises and not exceeding 300 square feet in floor area)
- 5 Storage, curing, drying, churning and packaging of products and crops produced on the land provided, however, such products are not processed on the land and provided further that such products are not commercially sold as part of a retail business conducted on the land

(d) Conditional Uses (see also section 12.29-8)

- 1 Air strips, landing fields and hangars for personal or agricultural related uses
- 2 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
- 3 Concrete and asphalt batch plants temporarily located on a parcel
- 4 Gas and electric utility uses not requiring authorization under Wisconsin Statutes, section 196.491(3)
- 5 Housing for farm laborers
- 6 Housing for seasonal or migratory farm workers

- 7 A second single-family farm related residential dwelling
 - 8 Storage of recreational vehicles, boats or snowmobiles
 - 9 Utility substation
 - 10 Wind energy conversion systems
- (e) Parcel Area and Width
- 1 Farm structures hereafter erected, placed, moved or structurally altered and related farm activities shall provide a contiguous area of not less than thirty-five (35) acres and no farm shall have a frontage of less than 600 feet in width.
- (f) Building Type, Separation, Number, Height and Area
- 1 No structure or improvement may be built on any land in the A-1, Agricultural Preservation District unless said structure or improvement is consistent with agricultural uses.
 - 2 For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this ordinance may be separated from a larger farm parcel.
 - 3 No farm buildings or parts of farm buildings shall exceed 100 feet in height
 - 4 No residential dwelling or part thereof, shall exceed 35 feet in height
 - 5 A total minimum floor area of a residential dwelling shall be a minimum of 1000 square feet with a minimum first floor area of 1000 square feet
- (g) Yards
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from all other roads
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)
 - 3 Side yard - not less than 25 feet in width on each side of all structures
 - 4 Rear yard - not less than 50 feet
- (h) Authorized Sanitary Sewer System
- 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer
- (i) Rezoning, Conditional Uses, and Enforcement
- Any rezoning of any parcel of land in the A-1 Agricultural Preservation District shall be in accordance with Wisconsin Statute, section 91.77. Furthermore, the Department of Agriculture shall be notified of the approval of any conditional use permits in the A-1 District. Enforcement provisions necessary for the proper administration of the Farmland Preservation Act shall be as specified in Chapter 91 of the Wisconsin Statutes.

A-2 GENERAL AGRICULTURAL DISTRICT**(a) Primary purpose and characteristics.**

The A-2 General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Agricultural Preservation District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural related farming activity. This District is also intended to provide areas for activities normally associated with rural surroundings, such as rural estate and other existing residential development, such as existing residential development abutting town and county roads along which further development may occur as essential services become available.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses.

In addition to those principal uses permitted in the A-1 Agricultural Preservation District, the following are deemed to be principal uses in the A-2 General Agricultural District:

- 1 Animal hospitals, shelters, commercial boarding and riding stables, and veterinary services provided that all such uses shall be totally enclosed within a building and that such structure or animal enclosure shall maintain the street yard requirements and not be located closer than 50 feet from all other property boundaries.
- 2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
- 3 Equestrian trails
- 4 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- 5 Riding Academies

(c) Accessory Uses

- 1 Those accessory uses permitted in the A-1 Agricultural Preservation District

(d) Conditional Uses (see also section 12.29-8)

- 1 Air strips, landing fields and hangars for personal or agricultural related uses
- 2 Assemblies over 5000 or more individuals
- 3 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
- 4 Concrete and asphalt batch plant temporarily located on a parcel
- 5 Kennels (commercial or noncommercial)
- 6 Storage of recreational vehicles, boats and snowmobiles

- 7 Utility substations
- 8 Wind energy conversion systems

- (e) Parcel Area and Width
 - 1 Parcels shall have a minimum area of ten (10) acres, and
 - 2 All such parcels shall have a frontage of not less than 300 feet in width.

- (f) Building Height and Area
 - 1 No farm building or farm related building shall exceed 100 feet in height
 - 2 No residential dwelling shall exceed 35 feet in height
 - 3 The total minimum floor area of a residential dwelling shall be 1000 square feet with a minimum first floor area of 1000 square feet

- (g) Yards
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from all other roads
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)
 - 3 Side yard - not less than 25 feet in width on each side of all structures
 - 4 Rear yard - not less than 50 feet

- (h) Authorized Sanitary Sewer System
 - 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer

A-3 AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING AND MARKETING DISTRICT**(a) Primary purpose and characteristics**

The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial, commercial, marketing and service activities that are dependent upon or closely allied to the agricultural industry.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses.

- 1 Agricultural warehousing (commercial)
- 2 Seed and grain processing and preparation
- 3 Blending and preparing of flour
- 4 Breeding services
- 5 Canning of fruits, vegetables, preserves, jams and jellies
- 6 Commercial storage, curing, drying, churning, processing and packaging of agricultural products
- 7 Contract sorting, grading and packaging services for fruits and vegetables
- 8 Cornshelling, hay baling and threshing services
- 9 Drying and dehydrating fruits and vegetables
- 10 Fluid milk processing
- 11 Fruit and vegetable pickling, vegetable sauces and seasoning, salad dressing preparation
- 12 Fur farm
- 13 Grain elevators and bulk storage of feed grains
- 14 Grist mill services
- 15 Milling of rice, vegetable and soybean oil
- 16 Poultry and small game dressing and packing providing all operations shall be conducted within an enclosed building
- 17 Poultry hatching services
- 18 Preparation of cereals
- 19 Preparation of feeds for animal and fowl
- 20 Production of chocolate and cocoa
- 21 Production of condensed and evaporated milk
- 22 Production of creamery butter
- 23 Production of flour and other grain mill product
- 24 Production of frozen fruits, fruit juices, vegetables and other specialties
- 25 Production of natural and processed cheese
- 26 Production of wine, brandy and brandy spirits
- 27 Sales or maintenance of farm implements and related equipment
- 28 Sugar processing and production
- 29 Wet milling of corn

(c) Accessory Uses

- 1 Agricultural Windmills
- 2 Living quarters for not more than two watchmen or caretakers.

- (d) Conditional Uses (see also section 12.29-8)
- 1 Commercial egg production
 - 2 Commercial feed lot
 - 3 Concrete and asphalt batch plants temporarily located on a parcel
 - 4 Fertilizer production, sales, storage, mixing, and blending
 - 5 Gasohol and fuel related alcohol plants
 - 6 Livestock sale facilities
 - 7 Malt production
 - 8 Meat packing, slaughterhouse and production of sausages and other meat products
 - 9 Processing and packaging of animal bedding materials (8/20/91)
 - 10 Production of animal and marine fats and oils
 - 11 Production of shortening, table oils, margarine and other edible fats and oils
 - 12 Utility substations
 - 13 Wind energy conversion systems
- (e) Parcel Area and Width
- 1 Parcels shall have a minimum area of five (5) acres, and
 - 2 All such parcels shall have a frontage of not less than 300 feet in width
- (f) Building Height and Area
- 1 No building located in an A-3 district shall exceed 100 feet in height
 - 2 No maximum or minimum building areas shall be required in the A-3 District due to the variety of uses within this District and the diverse building demands of each use.
- (g) Yards
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 25 feet in width on each side of all structures.
 - 4 Rear yard - not less than 50 feet.
- (h) Authorized Sanitary Sewer System
- 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer system

12.20-4 A-4 AGRICULTURAL LAND HOLDING DISTRICT

(a) Primary purpose and characteristics

The Kenosha County Board of Supervisors recognizes that the premature piecemeal conversion of farmland to urban use has led to increasing public concern over such conversion. This concern centers on the sprawling of urban population, the increasing cost of providing urban services, and the loss of agricultural lands as a valuable natural resource. Therefore, the Agricultural Land Holding District is intended to maintain and generally preserve for a limited time period those lands where urban expansion is proposed to take place on the adopted regional land use plan or other local land use plans that refine and detail the regional land use plan. It is intended that the status of all areas placed in this district be reviewed by the Kenosha County Land Use Committee no less frequently than every two years to determine whether, in light of current development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses. (11/5/84)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal uses.

- 1 Apiculture (Beekeeping)
- 2 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
- 3 Contract sorting, grading and packaging of fruits and vegetables
- 4 Corn shelling
- 5 Dairy farming and general agriculture
- 6 Essential Services
- 7 One Farm Dwelling
- 8 General farm buildings including agricultural windmills, barns, silos, sheds and storage bins provided, however, that said structures are located at least 100 feet away from any off premise neighboring residential buildings (6/2/92)
- 9 Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a non-conforming use, provided that the remaining lot shall conform to the yard requirements of this district and the lot area and width requirements for a second single-family farm dwelling as set forth in section 12.29-8(b)(113) of this ordinance
- 10 Single-family residence on lots of record created prior to the adoption of this ordinance where said

existing lot is less than 35 acres, (see section 12.28-5)

- 11 Floriculture (cultivation of ornamental flowering plants)
- 12 Forest and game management
- 13 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- 14 Grazing or Pasturing
- 15 Greenhouses, not including retail sales of plants and flowers
- 16 Hay baling
- 17 Livestock raising, except commercial feed lot and fur farms
- 18 Orchards
- 19 Paddocks
- 20 Pea viners
- 21 Plant nurseries
- 22 Poultry raising, except commercial egg production and commercial poultry feed lots
- 23 Raising of grain, grass, mint and seed crops
- 24 Raising of tree fruits, nuts and berries
- 25 Sod farming
- 26 Threshing services
- 27 Vegetable raising
- 28 Viticulture (grape growing)

(c) Accessory Uses

- 1 Feed lot (not commercial and only for permitted farm uses)
- 2 Garages or carports
- 3 Home occupations and professional home offices
- 4 Roadside stands (one such stand permitted only for selected farm products produced on the premises and not exceeding 300 square feet in floor area)
- 5 Storage, curing, drying, churning and packaging of products and crops produced on the land provided, however, such products are not processed on the land and provided further that such products are not commercially sold as part of a retail business conducted on the land

(d) Conditional Uses (see also section 12.29-8)

- 1 Air strips, landing fields and hangars for personal or agricultural related uses
- 2 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
- 3 Concrete and asphalt batch plants temporarily located on a parcel
- 4 Gas and electric utility uses not requiring authorization under Wisconsin Statutes, section 196.491(3)
- 5 Housing for farm laborers
- 6 Housing for seasonal or migratory farm workers
- 7 A second single-family farm related residential dwelling
- 8 Storage of recreational vehicles, boats or snowmobiles
- 9 Utility substation
- 10 Wind energy conversion systems

(e) Parcel Area and Width

- 1 Farm structures hereafter erected, placed, moved or structurally altered and related farm activities shall provide a contiguous area of not less than

thirty-five (35) acres and no farm shall have a frontage of less than 600 feet in width.

- (f) **Building Type, Separation, Number, Height and Area**
 - 1 No structure or improvement may be built on any land in the A-4, Agricultural Land Holding District unless said structure or improvement is consistent with agricultural uses.
 - 2 For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this ordinance may be separated from a larger farm parcel.
 - 3 No farm buildings or parts of farm buildings shall exceed 100 feet in height
 - 4 No residential dwelling or part thereof, shall exceed 35 feet in height
 - 5 A total minimum floor area of a residential dwelling shall be a minimum of 1000 square feet with a minimum first floor area of 1000 square feet

- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from all other roads
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)
 - 3 Side yard - not less than 25 feet in width on each side of all structures
 - 4 Rear yard - not less than 50 feet

- (h) **Authorized Sanitary Sewer System**
 - 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer

C. RESIDENTIAL DISTRICTS

12.21-1 R-1 RURAL RESIDENTIAL DISTRICT

- (a) Primary Purpose and Characteristics
The R-1 Rural Residential District is intended to provide for single-family residential development, in a predominantly rural setting, at densities not to exceed 0.2 dwelling units per acre.
- (b) Principal Uses
 - 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) Accessory Uses
 - 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports
- (d) Conditional Uses (see also section 12.29-8)
 - 1 Community living arrangements having 9 but not more than 15 persons which shall be in conformance with all state statutory requirements
 - 2 Household stable
 - 3 Model single-family homes and related temporary real estate sales office located within the model unit
 - 4 Utility substations
 - 5 Wind energy conversion systems
- (e) Lot Area and Width
 - 1 Lots shall have a minimum area of five acres
 - 2 All lots shall have a frontage of not less than 300 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 150 feet of frontage provided there is at least 300 feet of width at the required building setback line
- (f) Building Height and Area
 - 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1400 square feet with a minimum first floor area of 1000 square feet
- (g) Yards
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from all other roads
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)
 - 3 Side yard - not less than 25 feet in width on each side of all structures
 - 4 Rear yard - not less than 50 feet
- (h) Authorized Sanitary Sewer System
 - 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer

R-2 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**
 The R-2 Suburban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 1.1 dwelling units per net acre, served by on-site soil absorption sanitary sewage systems (septic tanks) and private wells. This District is intended, however, to be utilized in areas where public sanitary sewage facilities may eventually be provided, and lots should, therefore, be developed in a manner that will permit further division at a later date. Areas placed in this district by means of rezoning should not be less than 20 acres.
- (b) **Principal Uses**
- 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) **Accessory Uses**
- 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model single-family home and related temporary real estate sales office located within the model unit
 - 3 Utility substations
- (e) **Lot Area and Width**
- 1 Lots shall have a minimum area of 40,000 square feet
 - 2 All lots shall be not less than 150 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 75 feet of frontage provided there is at least 150 feet of width at the required building setback line
- (f) **Building Height and Area**
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of the dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
- (g) **Yards**
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 15 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.
- (h) **Authorized Sanitary Sewer System**
- 1 On-site sewage disposal absorption system
 - 2 Public sewer system

R-3 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**
 The R-3 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 2.2 dwelling units per net acre, served only by public sanitary sewage facilities.
- (b) **Principal Uses**
- 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) **Accessory Uses**
- 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit
 - 3 Utility substation
- (e) **Lot Area and Width**
- 1 Lots shall have a minimum area of 20,000 square feet
 - 2 All lots shall be not less than 100 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line
- (f) **Building Height and Area**
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
- (g) **Yards**
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from all other roads
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures
 - 4 Rear yard - not less than 25 feet
- (h) **Authorized Sanitary Sewer System**
- 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

R-4 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**
 The R-4 Urban Single-Family Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per net acre served by public sanitary sewage facilities.
- (b) **Principal Uses**
- 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than four foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) **Accessory Uses**
- 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.
 - 3 Utility substations
- (e) **Lot Area and Width**
- 1 Lots shall have a minimum of 15,000 square feet
 - 2 All lots shall be not less than 90 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 45 feet of frontage provided there is at least 90 feet of width at the required building setback line
- (f) **Building Height and Area**
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1200 square feet with a minimum first floor area of 800 square feet
- (g) **Yards**
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.
- (h) **Authorized Sanitary Sewer System**
- 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

12.21-5

R-5 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**

The R-5 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 4.4 dwelling units per net acre, served by public sanitary sewage facilities.
- (b) **Principal Uses**
 - 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) **Accessory Uses**
 - 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
 - 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit
 - 3 Utility substations
- (e) **Lot Area and Width**
 - 1 Lots shall have a minimum of 10,000 square feet
 - 2 All lots shall be not less than 75 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 40 feet of frontage provided there is at least 75 feet of width at the required building setback line
- (f) **Building Height and Area**
 - 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1000 square feet with a minimum first floor area of 800 square feet
- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.
- (h) **Authorized Sanitary Sewer System**
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with.

R-6 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**
 The R-6 Urban Single-Family Residential District is intended to accommodate existing single-family development where densities may reach 7.3 dwelling units per net acre in order that residences in these districts shall not be rendered nonconforming uses. The district further provides for new development to fill in voids in existing small lot subdivisions. All R-6 residential development should preferably be served by public sanitary sewage systems. Any additional lands or new subdivisions shall be considered for rezoning into this district only if the parcel in question abuts a city of the second class and furthermore abuts a residential subdivision located within the city of the second class and only if the individual parcels in the aforementioned subdivision are 6000 square feet per unit or less and served by public sanitary sewer.
- (b) **Principal Uses**
- 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential Services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One single-family dwelling
- (c) **Accessory Uses**
- 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports.
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Utility substations
- (e) **Lot Area and Width**
- 1 Lots shall have a minimum area of 6000 square feet
 - 2 All lots shall be not less than 60 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 30 feet of frontage provided there is at least 60 feet of width at the required building setback line
- (f) **Building Height and Area**
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 800 square feet with a minimum first floor area of 800 square feet
- (g) **Yards**
- 1 Street yard - not less than 30 feet from the right-of-way of all Federal, State Trunk, or County Trunk highways; and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 8 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.

- (h) **Authorized Sanitary Sewer System**
- 1 **On-site sewage disposal absorption system only for lots of record existing at the time of adoption of this ordinance**
 - 2 **Public sanitary sewer**

R-7 SUBURBAN TWO-FAMILY AND THREE-FAMILY RESIDENTIAL DISTRICT**(a) Primary Purpose and Characteristics**

The R-7 Suburban Two-Family and Three-Family Residential District is intended to provide for two-family and three-family residential development in areas where public sanitary sewage facilities are not available, and densities do not exceed 1.1 dwelling units per net acre for two-family development and 1.3 dwelling units per net acre for three-family development.

(b) Principal Uses

- 1 Community living arrangements having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements
- 2 Essential Services
- 3 Foster family homes having less than four foster children and not exceeding eight total occupants and are in conformance with all state statutory requirements
- 4 One two-family dwelling or one three-family dwelling

(c) Accessory Uses

- 1 Gardening, tool, and storage sheds incidental to the residential use
- 2 Home occupations and professional home offices
- 3 Private garages and carports

(d) Conditional Uses (see also section 12.29-8)

- 1 Community living arrangements having nine but not more than 15 persons and in conformance with all state statutory requirements
- 2 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit
- 3 Utility substations

(e) Lot Area and Width

- 1 Lots shall have a minimum area of 80,000 square feet for a two-family dwelling, and a minimum area of 100,000 square feet for a three-family home
- 2 All lots shall be not less than 150 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 75 feet of frontage provided there is at least 150 feet of width at the required building setback line

(f) Building Height and Area

- 1 No building or parts of a building shall exceed 35 feet in height
- 2 The total minimum floor area of a two-family residential structure shall be 2,000 square feet or 1,000 square feet per unit. The minimum first floor area of the structure shall be 1,500 square feet.

(g) Yards

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from all other roads.
- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
- 3 Side yard - not less than 20 feet in width on each side of all structures.
- 4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer System

- 1 On-site sewage disposal absorption system

12.21-8

R-8 URBAN TWO-FAMILY RESIDENTIAL DISTRICT

- (a) The R-8 Urban Two-Family Residential District is intended to provide for two-family residential development at densities not to exceed 4.4 dwelling units per net acre served by public sanitary sewage facilities.
- (b) **Principal Uses**
 - 1 Community living arrangements having a capacity of 8 or fewer persons and which shall be in conformance with all state statutory requirements
 - 2 Essential services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 4 One two-family dwelling
- (c) **Accessory Uses**
 - 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Home occupations and professional home offices
 - 3 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
 - 1 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements
 - 2 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit
 - 3 Utility substations
- (e) **Lot Area and Width**
 - 1 Lots shall have a minimum area of 20,000 square feet and
 - 2 All lots shall be not less than 100 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line
- (f) **Building Height and Area**
 - 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a two-family residential structure shall be 2000 square feet or 1000 square feet per unit. The minimum first floor area of the structure shall be 1500 square feet.
- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.
- (h) **Authorized Sanitary Sewer System**
 - 1 Public sanitary sewer

12.21-9

R-9 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**
The R-9 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 8.7 dwelling units per net acre, served by public sanitary sewage facilities.
- (b) **Principal Uses**
- 1 Community living arrangements having a capacity of 15 or fewer persons and which shall be in conformance with all state statutory requirements (2/18/92)
 - 2 Essential services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- (c) **Accessory Uses**
- 1 Gardening, tool, and storage sheds incidental to the residential use
 - 2 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Community living arrangements for 16 or more persons and which are in conformance with all state statutory requirements (2/18/92)
 - 2 Model apartments and model condominiums and related temporary real estate sales office located within the model unit
 - 3 Multiple family dwellings not to exceed eight (8) units per structure with densities not to exceed 8.7 units per net acre served by public sanitary sewage facilities.
 - 4 Utility substations
- (e) **Lot Area and Width**
- 1 Lots shall have a minimum area of the larger of 10,000 square feet or 5,000 square feet per unit
 - 2 All lots shall have a minimum width of 100 feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 50 feet of frontage provided there is at least 100 feet of width at the required building setback line.
- (f) **Building Height and Area**
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The minimum total floor area of a multiple-family residential structure shall be 1500 square feet, and the minimum first floor area of a multiple-family structure shall be 1,000 square feet. In addition thereto:
 - a. efficiency or one bedroom apartments shall have a minimum floor area per dwelling unit of 500 square feet
 - b. two bedroom apartments shall have a minimum floor area per dwelling unit of 750 square feet, and
 - c. three or more bedroom apartments shall have a minimum floor area per dwelling unit of 1,000 square feet.
- (g) **Yards**
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk

highways and not less than 40 feet from all other roads.

- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
- 3 Side yard - not less than 15 feet in width on each side of all structures
- 4 Rear yard - not less than 25 feet.

- (h) Authorized Sanitary Sewer System
- 1 Public Sanitary Sewer

12.21-10

R-10 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**
The R-10 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 10.8 dwelling units per net acre served by public sanitary sewage facilities.
- (b) **Principal Uses**
- 1 Community living arrangements having a capacity of 15 or fewer persons and which shall be in conformance with all state statutory requirements (2/18/92)
 - 2 Essential services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- (c) **Accessory Uses**
- 1 Gardening, tool, and storage sheds incidental to the residential use.
 - 2 Private garages and carports.
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Community living arrangements for 16 or more persons and which are in conformance with all state statutory requirements (2/18/92)
 - 2 Multiple-family dwellings not to exceed eight (8) units per structure (2/18/92)
 - 3 Model apartments and model condominiums and related temporary real estate sales office located within the model unit
 - 4 Utility substations
- (e) **Lot Area and Width**
- 1 Lots shall have a minimum area of 12,000 square feet or 4,000 square feet per unit, whichever is larger, and
 - 2 All lots shall have a minimum width of 120 feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 60 feet of frontage provided there is at least 120 feet of width at the required building setback line.
- (f) **Building Height and Area**
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The minimum total floor area of a multiple-family residential structure shall be 2,000 square feet, and in addition thereto:
 - a. the minimum floor area per dwelling unit for an efficiency or one bedroom apartment shall be 400 square feet;
 - b. the minimum floor area per dwelling unit of a two bedroom apartment shall be 600 square feet;
 - c. and the minimum floor area per dwelling unit of a three or more bedroom apartment shall be 800 square feet.
- (g) **Yards**
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water (11/5/86)

- 3 Side yard - not less than 15 feet in width on each side of all structures.
- 4 Rear yard - not less than 25 feet.

- (h) Authorized Sanitary Sewer System
- 1 Public Sanitary Sewer

- 12.21-11 R-11 MULTIPLE-FAMILY RESIDENTIAL DISTRICT
- (a) Primary Purpose and Characteristics
The R-11 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 12.4 dwelling units per net acre, served by public sanitary sewage facilities.
- (b) Principal Uses
- 1 Community living arrangements having a capacity of 15 or fewer persons and which shall be in conformance with all state statutory requirements (2/18/92)
 - 2 Essential services
 - 3 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
- (c) Accessory Uses
- 1 Gardening, tool, and storage sheds incidental to the residential use.
 - 2 Private garages and carports.
- (d) Conditional Uses (see also section 12.29-8)
- 1 Community living arrangements for 16 or more persons and which are in conformance with all state statutory requirements (2/18/92)
 - 2 Multiple-family dwellings (2/18/92)
 - 3 Housing for the elderly
 - 4 Model apartments and model condominiums and related temporary real estate sales office located within the model unit
 - 5 Utility substations
- (e) Lot Area and Width
- 1 Lots shall have a minimum area of 20,000 square feet or 3,000 square feet per unit, whichever is larger, and
 - 2 Lots shall have a minimum width of 120 feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 60 feet of frontage provided there is at least 120 feet of width at the required building setback line.
- (f) Building Height and Area
- 1 No building or parts of a building shall exceed 35 feet in height
 - 2 The minimum total floor area of a multiple-family residential structure shall be 3,000 square feet, and in addition thereto:
 - a. the minimum floor area per dwelling unit for an efficiency or one bedroom apartment shall be 300 square feet;
 - b. the minimum floor area per dwelling unit of a two bedroom apartment shall be 500 square feet;
 - c. and the minimum floor area per dwelling unit for a three or more bedroom apartment shall be 600 square feet.
- (g) Yards
- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State, and County Trunk highways and not less than 40 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)

- 3 Side yard - not less than 15 feet in width on each side of all structures.
- 4 Rear yard - not less than 25 feet.

- (h) Authorized Sanitary Sewer System
 - 1 Public sanitary sewer

12.21-12 R-12 MOBILE HOME PARK/SUBDIVISION RESIDENTIAL DISTRICT

- (a) **Primary Purpose and Characteristics**

The R-12 Mobile Home Park/Subdivision Residential District is intended to provide for the location of mobile home parks and mobile home subdivisions in the residential setting that is compatible with adjacent land uses. Mobile homes are declared herein to be residential structures and entitled to the same protection from incompatible uses as is afforded in other residential districts.
- (b) **Principal Uses**
 - 1 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and are in conformance with all state statutory requirements
 - 2 Essential services
 - 3 One individual mobile home on a lot in a mobile home park or subdivision
- (c) **Accessory Uses**
 - 1 Gardening, tool and storage sheds incidental to the residential use in mobile home subdivisions
 - 2 Private garages and carports in mobile home subdivisions
- (d) **Conditional Uses (see also section 12.29-8)**
 - 1 Mobile home parks
 - 2 Model Mobile Home and related temporary real estate sales office located within the model unit
 - 3 Utility substations
- (e) **Lot Area and Width**
 - 1 Lots in a mobile home park or subdivision shall have a minimum of 7500 square feet in area
 - 2 All lots shall be not less than 50 feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to 30 feet of frontage provided there is at least 50 feet of width at the required building setback line
- (f) **Building Height and Area**
 - 1 No building or parts of a building shall exceed 15 feet in height
 - 2 The minimum floor area shall be 600 square feet
- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk, and County Trunk highways; and not less than 40 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 10 feet.
- (h) **Authorized Sanitary Sewer System**
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this ordinance, provided that section 12.05-1(d) of this ordinance is fully complied with

D. BUSINESS DISTRICTS

12.22-1 B-1 NEIGHBORHOOD BUSINESS DISTRICT

(a) Primary Purpose and Characteristics

The B-1 Neighborhood Business District is intended to provide for existing and proposed retail establishments that are located within primarily residential areas and intended to serve the convenience needs of the surrounding neighborhood. To insure that such uses shall have a character, appearance, and operation compatible with the residential areas they serve, the size of such individual establishment shall be limited.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

- 1 Bakeries
- 2 Barber shops and beauty shops
- 3 Dime stores and variety stores
- 4 Drug stores
- 5 Drycleaning and laundry establishments
- 6 Flower shops
- 7 Grocery stores and convenience stores
- 8 Hardware stores
- 9 Hobby stores
- 10 Insurance offices
- 11 Liquor stores
- 12 Professional offices
- 13 Real estate offices
- 14 Restaurants (not serving liquor)
- 15 Shoe repair stores

(c) Accessory Uses

- 1 Garages for the storage of vehicles used in conjunction with the operation of the business
- 2 Off-street parking and loading
- 3 Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

(d) Conditional Uses (see also section 12.29-8)

- 1 Flea Markets
- 2 Gasoline service stations
- 3 Restaurants serving liquor
- 4 Taverns (with no live entertainment)
- 5 Utility substations

(e) Lot Area and Width

- 1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum lot frontage of 75 feet in width.
- 2 Individual businesses served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a

minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

- (f) **Building Height and Area**
 - 1 No building or parts of a building shall exceed 35 feet in height.
 - 2 Buildings which are individual retail stores shall not exceed 2500 square feet in area and customer service establishments or offices shall not exceed 1500 square feet in area

- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 15 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.

- (h) **Authorized Sanitary Sewer Systems**
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system
 - 3 Holding tank on lots of record created prior to July 1, 1980

B-2 COMMUNITY BUSINESS DISTRICT**(a) Primary Purpose and Characteristics**

The B-2 Community Business District is intended to provide for the orderly development of business activities, such as retail stores, office buildings and services in the center of communities and settlements throughout Kenosha County. These "downtown" areas should be developed in a manner that would contribute to their role as the center of the community.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

- 1 Antique and collectors stores
- 2 Appliance stores
- 3 Automotive and marine supply stores
- 4 Bakeries
- 5 Banks, credit unions and savings and loan associations
- 6 Bars
- 7 Barber shops and beauty shops
- 8 Boat launches
- 9 Boat and marina supplies
- 10 Bookstores
- 11 Bowling alleys
- 12 Business offices
- 13 Camera and photographic supply stores
- 14 Caterers
- 15 Christmas tree sales
- 16 Clinics
- 17 Clothing and apparel stores
- 18 Clubs
- 19 Cocktail lounges
- 20 Commercial recreational facilities (indoor)
- 21 Confectioneries
- 22 Crockery stores
- 23 Delicatessens
- 24 Dental Clinics
- 25 Department stores
- 26 Drug Stores
- 27 Electrical supplies
- 28 Essential services
- 29 Financial institutions
- 30 Fish markets
- 31 Florists
- 32 Fraternal Buildings
- 33 Fruit stores
- 34 Funeral homes
- 35 Furniture and carpet stores
- 36 Furriers and Fur apparel
- 37 Gift stores
- 38 Grocery stores and convenience stores
- 39 Hardware stores
- 40 Heating supply stores
- 41 Hobby and craft shops
- 42 Hotels

- 43 Jewelry stores
- 44 Laundry and dry cleaning establishments not employ-
ing more than seven persons
- 45 Liquor stores
- 46 Lodges and clubs
- 47 Meat markets
- 48 Medical clinics
- 49 Motels
- 50 Music stores
- 51 Newspaper and magazine stores and pressrooms
- 52 Nightclubs and dance halls
- 53 Office buildings
- 54 Office supply stores
- 55 Optical stores
- 56 Packaged beverage stores
- 57 Paint, glass and wallpaper stores
- 58 Pawn shops
- 59 Parking lots
- 60 Personal service establishments
- 61 Pet shops
- 62 Plumbing supplies
- 63 Printing
- 64 Professional offices
- 65 Private clubs
- 66 Racquet ball and tennis courts (indoor)
- 67 Radio-T.V. broadcast studios
- 68 Restaurants, including fast food and drive-in
restaurants
- 69 Secondhand stores
- 70 Self-service laundries and dry cleaning establish-
ments
- 71 Shoe stores and leather goods stores
- 72 Signs
- 73 Soda fountains
- 74 Sporting goods stores
- 75 Supermarkets
- 76 Tailor shops
- 77 Taverns
- 78 Theaters
- 79 Tobacco shops
- 80 Union halls
- 81 Upholstery shops
- 82 Variety stores
- 83 Vegetable stores

(c) Accessory Uses

- 1 Garages for storage of vehicles used in conjunction
with the operation of the business
- 2 Off-street parking and loading areas
- 3 Residential quarters for the owner or proprietor, or
rental apartments on a non-ground floor level,
provided that there shall be a minimum floor area of
300 square feet for an efficiency or one bedroom
apartment, 500 square feet for a two bedroom or
larger apartment.

(d) Conditional Uses (see also section 12.29-8)

- 1 Animal hospitals, shelters and kennels and veteri-
nary services
- 2 Automotive sales, service, and mechanical repairs
- 3 Bus depots
- 4 Car washes
- 5 Commercial recreational facilities
- 6 Concrete and asphalt batch plants temporarily
located on the premises
- 7 Flea Markets

- 8 Gasoline service stations
- 9 Railroad depots
- 10 Utility substations

(e) Lot Area and Width

- 1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum frontage of 75 feet in width
- 2 Individual businesses served by on-site soil absorption sewage disposal system or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum frontage of 150 feet in width

(f) Building Height

- 1 No building or parts of a building shall exceed 35 feet in height, and
- 2 No maximum or minimum building area shall be required in the B-2 District due to the variety of uses within the District and the diverse building demands of each user.

(g) Yards

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from all other roads.
- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
- 3 Side yard - no minimum side yard is required in a B-2 business district, however, if a side yard is provided, it shall be not less than ten feet.
- 4 Rear yard - not less than 25 feet.

(h) Authorized Sanitary Sewer Systems

- 1 Public sanitary sewer
- 2 On-site soil absorption disposal system
- 3 Holding tank on lots of record created prior to July 1, 1980

B-3 HIGHWAY BUSINESS DISTRICT**(a) Primary Purpose and Characteristics**

The B-3 Highway Business District is intended to provide for the orderly and attractive grouping and appropriate business location along principal highway routes as defined in this ordinance of those businesses and customer services which are logically related to and dependent upon highway traffic and which are specifically designed to serve the needs of such traffic and businesses which generate a high volume of vehicle traffic with a corresponding demand for large parking areas. The uses intended for this District typically do not rely upon an interchange of customers with each other as do uses in the B-4 District and furthermore tend to locate in strip fashion along the highway thereby impeding traffic flow thereon with numerous access points and therefore requiring review of plans and specifications to regulate highway access and to encourage properly planned site layout and development for such individual businesses.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

- 1 Any principal use permitted in the B-1 Neighborhood Business District, B-2 Community Business District or B-4 Planned Business District
- 2 Bars and taverns (without live entertainment)
- 3 Building supply stores
- 4 Commercial indoor recreation such as bowling alleys, skating rinks, athletic clubs, tennis and handball courts, swimming pools
- 5 Concrete and asphalt batch plants temporarily located on a parcel
- 6 Drive-in establishments providing service to customers without the necessity of entering the building (except drive-in theaters)
- 7 Furniture/appliance sales and related warehousing
- 8 Garden supply stores
- 9 Health clubs
- 10 Motels and motor lodges
- 11 Nightclubs and dance halls
- 12 Restaurants, bars and taverns (without live entertainment)
- 13 Utility substations
- 14 Warehouses, mini

(c) Accessory Uses

- 1 Garages for the storage of vehicles used in conjunction with the operation of the business
- 2 Off-street parking and loading
- 3 Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

- (d) Conditional Uses (see also section 12.29-8)
 - 1 Arenas and stadiums
 - 2 Automotive body repair
 - 3 Automotive sales, service and repairs
 - 4 Car washes
 - 5 Drive-in theater
 - 6 Flea markets
 - 7 Gasoline service stations
 - 8 Marine sales and service
 - 9 Recreational vehicle, motor home or similar large size vehicle or equipment sales involving extensive outdoor display and storage
 - 10 Restaurants or taverns or cabarets (with live entertainment)
 - 11 Rummage sales and flea markets (permanent)
 - 12 Truck stops, sales and service
 - 13 Utility substations
 - 14 Wind energy conversion systems

- (e) Lot Area and Width
 - 1 Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum lot frontage of 75 feet in width.
 - 2 Individual businesses served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

- (f) Building Height and Area
 - 1 No building or parts of a building shall exceed 35 feet in height.
 - 2 No maximum or minimum building area shall be required in the B-3 District due to the variety of uses within the District and the diverse building demands on each user.

- (g) Yards
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 15 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.

- (h) Authorized Sanitary Sewer Systems
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system
 - 3 Holding tank on lots of record created prior to July 1, 1980

12.22-4 B-4 PLANNED BUSINESS DISTRICT

(a) Primary Purpose and Characteristics

The B-4 Planned Business District is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices, and customer service establishments in a "shopping center" or "mall" setting on a single parcel of land and intended to serve the larger community or regional area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the circulation system and other related facilities, and of potential contribution to the economic welfare of the community.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

Any principal use permitted in the B-1 Neighborhood Business District or B-2 Community Business District.

(c) Accessory Uses

- 1 Garages for storage of vehicles used in conjunction with the operation of the business
- 2 Off-street parking and loading areas

(d) Conditional Uses (see also section 12.29-8)

- 1 Concrete and asphalt batch plants temporarily located on the premises.
- 2 Flea Markets
- 3 Gasoline service stations
- 4 Utility substations
- 5 Wind energy conversion systems

(e) Lot Area and Width

- 1 Groupings of shops and businesses in the B-4 Business District shall provide a minimum area of two (2) acres and a minimum frontage of 200 feet in width.
- 2 Individual shops within a grouping shall provide an area sufficient to accommodate the principal and all accessory structures, off-street parking and loading areas, the disposal of sanitary waste if a public sanitary sewage system is not available and the required yards.

(f) Building Height and Area

- 1 No building or parts of a building shall exceed 60 feet in height.
- 2 No maximum or minimum building area shall be required in the B-4 District due to the variety of uses within the District and the diverse building demands of each user.

(g) Yards

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from all other roads.
- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
- 3 Side yard - not closer than 45 feet to any other lot line.
- 4 Rear yard - not closer than 45 feet to any other lot line.

(h) Authorized Sanitary Sewer System

- 1 Public sanitary sewer
- 2 On-site sewage disposal absorption system
- 3 Holding tanks on lots of record created prior to July 1, 1980

E. MANUFACTURING DISTRICTS

12.23-1 M-1 LIMITED MANUFACTURING DISTRICT

(a) Primary Purpose and Characteristics

The M-1 Limited Manufacturing District is intended to provide for manufacturing, industrial and related uses of a limited nature in size and for situations where such uses are not located in basic industrial groupings and where their relative proximity to other uses requires more restrictive regulation as to hours of operation, method of manufacturing, traffic patterns, storage of materials and products, shipment of materials and products, etc., so as to better provide for the health, safety and welfare of the public. There shall be strict compliance with the performance standards set forth in sections 12.12-1 through 12.12-4 of this ordinance.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

The processing, manufacturing and/or storage of the following shall constitute the principal uses permitted in the M-1 Limited Manufacturing District:

- 1 Agricultural and general warehousing
- 2 Apparel, findings and related products
- 3 Automatic temperature controls
- 4 Baked goods and bakery products
- 5 Belts
- 6 Blank books, loose-leaf binders and devices
- 7 Blending and preparing of flour
- 8 Books; publishing, printing and binding
- 9 Boot and shoe cut, stock and findings
- 10 Bottling and canning soft drinks and carbonated waters
- 11 Brooms and brushes
- 12 Candy and other confectionery products
- 13 Canning and curing seafoods
- 14 Canning fruits, vegetables, preserves, jams and jellies
- 15 Canning specialty foods
- 16 Canvass products
- 17 Cereal preparations
- 18 Cigars and cigarettes
- 19 Coffee roasting and coffee products
- 20 Commercial storage, curing, drying, churning, processing and packaging of agricultural products
- 21 Contract sorting, grading and packaging services for fruits and vegetables
- 22 Corn, wet milling
- 23 Costume jewelry, costume novelties, buttons, and miscellaneous notions
- 24 Curtains and draperies
- 25 Dental equipment and supplies
- 26 Dress and work gloves
- 27 Drying and dehydrating fruits and vegetables
- 28 Electro typing and stereo typing

29 Engineering, laboratory, and scientific (other than
 chemical) and research instruments and associated
 equipment
 30 Envelopes
 31 Fabrics, broad and narrow woven
 32 Feeds prepared for animals and fowl
 33 Felt goods
 34 Flavor extracts and flavoring syrups
 35 Flour and other grain mill products
 36 Fluid milk processing
 37 Footwear
 38 Fresh or frozen fruits, fruit juices, vegetable and
 specialties
 39 Fruit and vegetable pickling, vegetable sauces and
 seasoning, salad dressing preparation
 40 Fur goods
 41 Grain elevators and bulk storage of feed grains
 42 Greeting cards
 43 Handbags and other personal leather goods
 44 Hats, caps and millinery
 45 Household furniture and furnishings
 46 Ice
 47 Ice cream and frozen desserts
 48 Industrial leather, belting and packing
 49 Jeweler's findings and materials
 50 Jewelry and precious metals
 51 Knit goods
 52 Lace goods
 53 Lamps and lamp shades
 54 Leather and sheeplined clothing
 55 Leather gloves and mittens
 56 Luggage
 57 Macaroni, spaghetti, vermicelli and noodles
 58 Malt liquors
 59 Manifold business forms
 60 Mechanical measuring and controlling instruments
 61 Mens, youths and boys furnishings, work clothing and
 allied garments
 62 Milling of rice, vegetable and soybean oil
 63 Morticians' supplies
 64 Motion picture production
 65 Musical instruments and parts
 66 Newspapers; publishing, and printing
 67 Office furniture
 68 Ophthalmic goods
 69 Optical instruments and lenses
 70 Orthopedic, prosthetic and surgical appliances and
 supplies
 71 Paper, paperboard and cardboard, die cut
 72 Paperboard and cardboard
 73 Paperboard containers and boxes
 74 Paper coating and glazing
 75 Partitions, shelving, lockers and office and store
 fixtures
 76 Pens, pencils, and other office and artists supplies
 77 Periodicals; publishing and printing
 78 Photoengraving and photographic equipment and
 supplies
 79 Pleating, decorative and novelty stitching
 80 Poultry and small game dressing and packing provid-
 ing all operations shall be conducted within an
 enclosed building
 81 Preparation of cereals
 82 Preparation of feeds for animals and fowl
 83 Printing, commercial
 84 Production of chocolate and cocoa

- 85 Production of condensed and evaporated milk
- 86 Production of creamery butter
- 87 Production of flour and other grain mill products
- 88 Production of frozen fruits, fruit juices, vegetables and other specialties
- 89 Production of natural and processed cheese
- 90 Production of wine, brandy, and brandy spirits
- 91 Raincoats and other waterproof outer garments
- 92 Robes and dressing gowns
- 93 Sanitary paper products
- 94 Sausages and other prepared meat products provided that all activities are conducted within an enclosed building
- 95 Seed and grain processing and preparation
- 96 Signs and advertising displays
- 97 Sugar processing and production
- 98 Surgical and medical instruments and apparatus
- 99 Tobacco products
- 100 Toys, amusement, sporting and athletic goods
- 101 Typesetting
- 102 Umbrellas, parasols, and canes
- 103 Vegetable oil milling
- 104 Venetian blinds and shades
- 105 Wallpaper
- 106 Warehouses, mini
- 107 Watches, clocks, clockwork operated devices, and parts
- 108 Wet milling of corn
- 109 Womens', misses, Jr. girls and infants furnishings, work and dress clothing and allied garments
- 110 Wood scouring, worsted combing and towing to top
- 111 Yarns and threads

(c) Accessory Uses

- 1 Garages for storage of vehicles used in conjunction with the operation of the industry
- 2 Office, storage, power supply and other uses normally auxiliary to the principal industrial operations
- 3 Off-street parking and loading areas

(d) Conditional Uses (see also section 12.29-8)

- 1 Auto-truck body and engine repair and painting
- 2 Concrete and asphalt batch plants located on a parcel
- 3 Flea Markets
- 4 Freight terminals
- 5 Malt production
- 6 Millwork, lumber yards, saw mills and planing mills
- 7 Packing and crating services
- 8 Petroleum bulk stations and terminals
- 9 Processing of hardwood dimension, flooring, veneer, and plywood
- 10 Retail or wholesale sales of manufactured products on premises
- 11 Utility substations
- 12 Wind energy conversion systems

(e) Lot Area and Width

- 1 Individual industries served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum frontage of 75 feet in width
- 2 Individual industries served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a

minimum lot area of 40,000 square feet and a minimum frontage of 150 feet in width

(f) **Building Height and Area**

- 1 No building or parts of a building shall exceed 35 feet in height
- 2 No maximum or minimum building area shall be required in the M-1 Limited Manufacturing District due to the variety of uses within this district and the diverse building demands of each use

(g) **Yards**

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk or County Trunk highways; and not less than 30 feet from all other roads.
- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
- 3 Side yard - not less than 15 feet in width on each side of all structures
- 4 Rear yard - not less than 25 feet.

(h) **Authorized Sanitary Sewer Systems**

- 1 Public sanitary sewer
- 2 On-site soil absorption system
- 3 Holding tank on lots of record created prior to July 1, 1980

M-2 HEAVY MANUFACTURING DISTRICT**(a) Primary Purpose and Characteristics**

The M-2 Heavy Manufacturing District is intended to provide for manufacturing and industrial development of a more general nature than in the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land use would create fewer problems of compatibility. Such districts should not normally abut directly upon residential districts nor be less than 10 acres in area. All uses in the M-2 Heavy Manufacturing District shall comply with the performance standards set forth in sections 12.12-1 through 12.12-4 of this ordinance.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

In addition to those industrial uses permitted in the M-1 Limited Manufacturing District, the processing, manufacturing and/or storage of the following shall constitute principal uses permitted in the M-2 Heavy Manufacturing District:

- 1 Aircraft and parts
- 2 Aluminum, primary production
- 3 Aluminum, rolling, drawing and extruding
- 4 Asphalt, felts and coating
- 5 Automobile manufacturing
- 6 Batteries
- 7 Bedding
- 8 Biological products
- 9 Blast furnaces, steel works, and the rolling of ferrous metals
- 10 Bleach
- 11 Bone
- 12 Bottling of alcoholic beverages
- 13 Brass works
- 14 Brick and structural clay tile
- 15 Candles
- 16 Canneries
- 17 Carbon black
- 18 Carpeting
- 19 Celluloid
- 20 Cement
- 21 Ceramic floor and wall tile
- 22 Charcoal
- 23 Clay refractories
- 24 Coal-tar
- 25 Coke
- 26 Coding, engraving and allied services
- 27 Cold, rolled steel sheets, strips and burrs
- 28 Cold storage warehouses, commercial service facility
- 29 Communication equipment
- 30 Concrete and concrete products
- 31 Condensories

32 Construction and prefabrication of wood buildings
 and structures, mobile homes and construction of
 wooden containers
 33 Construction, mining, and materials handling machin-
 ery and equipment
 34 Copper, drawing and extruding
 35 Copper, primary smelting and refining
 36 Cordage
 37 Creameries
 38 Cutlery, hand tools, and general hardware
 39 Dextrin
 40 Disinfectant
 41 Electrical lighting and wiring equipment
 42 Electrical industrial apparatus
 43 Electrical transmission and distribution equipment
 44 Electro metallurgical products
 45 Electronic components and accessories
 46 Engines and turbines
 47 Excelsior
 48 Farm machinery and equipment
 49 Feed Mills
 50 Felt
 51 Fire engines
 52 Fine earthenware, table and kitchen articles
 53 Fish by-products
 54 Flat glass
 55 Food locker plants
 56 Fur dressing and dyeing furs
 57 Gelatin
 58 Glass manufacturing
 59 Glue and gelatin
 60 Guns and related equipment
 61 Gypsum products
 62 Hair products
 63 Heating apparatus and plumbing fixtures
 64 Household appliances
 65 Ice
 66 Ink, printing
 67 Lime
 68 Lime products
 69 Linoleum, asphalt-base and other hard surface floor
 coverings
 70 Lithographing
 71 Matches
 72 Meat (frozen storage)
 73 Metal cans
 74 Metal products, fabricated structural
 75 Metal stamping
 76 Metal working machinery
 77 Motor vehicles and motor vehicle equipment
 78 Motorcycles, bicycles and parts
 79 Musical and sound equipment
 80 Non-ferrous metals, rolling, drawing and extruding
 81 Non-ferrous wire, drawing and insulating
 82 Office, computing and accounting machines
 83 Oil cloth
 84 Paper
 85 Pea viners
 86 Perfume, cosmetics and other toilet preparations
 87 Pharmaceutical preparations
 88 Plaster of paris
 89 Polish
 90 Porcelain electrical supplies
 91 Potash
 92 Pulp
 93 Pyroxylin

- 94 Radio and television receiving sets
- 95 Railroad equipment
- 96 Reclaiming rubber, metal, paper and other resources
- 97 Rope
- 98 Rubber products
- 99 Screw machine products and bolts, nuts, screws, rivets and washers
- 100 Service industry machines
- 101 Shoddy
- 102 Shoe and ramp blacking
- 103 Signaling and fire control equipment
- 104 Size
- 105 Soap and detergents
- 106 Special cleaning, polishing and sanitation preparations
- 107 Starch
- 108 Steel wire drawing, and steel rails and spikes
- 109 Sugar
- 110 Textiles
- 111 Tires and innertubes
- 112 Tool and die making
- 113 Trade and contractor offices
- 114 Vitreous china plumbing fixtures, china, earthenware fittings and bathroom fixtures
- 115 Warehousing
- 116 Weaving
- 117 Wire products, fabrication
- 118 Wood pressing

(c) Accessory Uses

- 1 Garages for storage of vehicles used in conjunction with the operation of the industry
- 2 Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations
- 3 Off-street parking and loading areas
- 4 Retail stores and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities when established in conjunction with the permitted manufacturing or processing facility
- 5 Wholesale stores

(d) Conditional Uses (see also section 12.29-8) (8/20/91)
 In addition to those industrial conditional uses permitted in the M-1 Limited Manufacturing District, the following shall constitute conditional uses in the M-2 Heavy Manufacturing District:

- 1 Abrasives
- 2 Animal reduction
- 3 Bus terminals and related equipment storage and maintenance buildings
- 4 Chemicals determined to be non-toxic by the U.S. Environmental Protection Agency and the Kenosha County Office of Emergency Services
- 5 Coal and bone distillation
- 6 Concrete and asphalt batch plants
- 7 Contractor storage yards
- 8 Dye
- 9 Electrical and steam generating plants
- 10 Fertilizer production, sales, storage, mixing and blending. Said fertilizers shall be determined to be non-toxic by the Kenosha County Office of Emergency Services.
- 11 Flea Markets
- 12 Forges

- 13 Foundries
- 14 Freight terminals, yards and trans shipment depots and related equipment storage and maintenance
- 15 Fuel
- 16 Gasohol and fuel-related alcohol plants
- 17 Insulating materials determined to be non-toxic by the U.S. Environmental Protection Agency and the Kenosha County Office of Emergency Services
- 18 Laboratories
- 19 Lacquer, paint, stain
- 20 Livestock sale facilities
- 21 Living quarters for watchmen or caretakers
- 22 Lubricating oils and grease
- 23 Manufacturing, processing and storage of building materials, explosives, dry ice, fat, flammables, glue, grains, grease, lard, plastic, radioactive materials, shellac, soap, tires, turpentine, vinegar and yeast
- 24 Meat packing, slaughterhouse and production of sausages and other meat products
- 25 Motor Freight
- 26 Offal
- 27 Outside storage and manufacturing
- 28 Plastic materials and synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products
- 29 Power and heat generating plants
- 30 Production of animal and marine fats and oils
- 31 Production of shortening, table oils, margarine, and other edible fats and oils
- 32 Railroad terminals and freight yards
- 33 Refineries
- 34 Rendering plants
- 35 Road test facilities
- 36 Sewage treatment plants
- 37 Ship and boat building and repair
- 38 Smelting and refining of all metals and alloys
- 39 Stockyards
- 40 Tanneries
- 41 Utility substations
- 42 Wind energy conversion systems

(e) Lot Area and Width

- 1 Lots shall have a minimum area of 40,000 square feet, and
- 2 All such lots shall have a frontage of not less than 150 feet in width

(f) Building Height and Area

- 1 No building or parts of a building shall exceed 60 feet in height
- 2 No maximum or minimum building area shall be required in the M-2 district due to the variety of uses within this district and the diverse building demands of each use.

(g) Yards

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from all other roads.
- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
- 3 Side yard - not less than 25 feet in width on each side of all structures.
- 4 Rear yard - not less than 25 feet

- (h) **Authorized Sanitary Sewer Systems**
- 1 **Public sanitary sewer**
 - 2 **On-site soil absorption disposal system**
 - 3 **Holding tank on lots of record created prior to July 1, 1980**

M-3 MINERAL EXTRACTION AND LANDFILL DISTRICT

- (a) **Primary Purpose and Characteristics**
The M-3 Mineral Extraction and Landfill District is intended to provide for the orderly continuation of existing quarries and related operations and to provide for new operations that provide maximum protection to the natural environment. This district further provides for the restoration of quarries in a manner that will not deteriorate the natural environment of Kenosha County. In addition to quarrying uses, the district provides for the location of municipal liquid and solid waste disposal sites.
- (b) **Principal Uses**
1 No principal uses shall be permitted in the M-3 Mineral Extraction and Landfill District and all uses within this district shall be conditional uses.
- (c) **Accessory Uses**
1 Parking areas and storage garages
2 Related office facilities and power supplies
- (d) **Conditional Uses (see also section 12.29-8) (8/20/91)**
1 Caretaker's quarters
2 Concrete and asphalt batch plants
3 Manufacturing of cement or concrete products
4 Manufacturing of lime, gypsum or plaster of paris
5 Mining or extraction of rock, slate, gravel, sand, top soil and other minerals
6 Storage of mineral products or machinery
7 Utilities and substations
8 Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil
9 Wind energy conversion systems
- (e) **Lot Area and Width**
1 Lots in the M-3 Mineral Extraction and Landfill District shall provide sufficient area for all structures, the extractive industrial operation, off-street parking and loading as required in sections 12.13-2 and 12.13-3 of this ordinance and all required yards.
- (f) **Building Height and Area**
1 No building or parts of a building shall exceed 60 feet in height, and
2 No maximum or minimum building area shall be required in the M-3 Mineral Extraction or Landfill District due to the variety of uses within the district and the diverse building demands of each use.
- (g) **Yards**
1 Extractive industrial operations and landfills shall be set back a minimum of 200 feet from the right-of-way of all highways or roads, and all property lines.
2 Incinerators, sewage treatment facilities, utilities, and accessory uses such as offices, parking areas and stock piles shall be set back a minimum of 100 feet from the right-of-way of all highways or roads and all property lines.

- (h) Authorized Sanitary Sewer Systems
- 1 On-site soil absorption disposal system
 - 2 Public Sanitary Sewer System
 - 3 Holding tank on lots of record created prior to July 1, 1980

**M-4 SANITARY LANDFILL AND HAZARDOUS WASTE DISPOSAL DISTRICT
(8/20/91)**

(a) Primary Purpose and Characteristics

The purpose of the M-4 Sanitary Landfill and Hazardous Waste Disposal District is to regulate land uses associated with the handling of materials that may be hazardous or harmful to public health and to the environment. These include micro-organism cultures, pesticides, biological products, infectious agents, and other toxic and hazardous substances. In order to provide for assurance, accountability, monitoring, and proper review of site operations and conditions involved in the handling of hazardous and potentially hazardous wastes, the M-4 Sanitary Landfill and Hazardous Waste Disposal District is created. This district is also intended to provide for the protection of the public, public safety, public welfare, health and convenience resulting from discharge of hazardous materials into the environment.

It is recognized that it is neither possible or practical to list all of the principal and accessory uses that are hazardous, in fact, or potentially hazardous. Accordingly, the following list of principal, accessory, and conditional uses is illustrative only. Any individual aggrieved by the failure to list a particular use may file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to Section 12.35 of this Ordinance for a determination as to the similarity or dissimilarity of any use.

(b) Principal Uses

No principal use shall be permitted as a matter of right in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.

(c) Conditional Uses

- 1 Sanitary landfills operated in accordance with the provisions of Chapters NR 500 through NR 551 of the Wisconsin Administrative Code and amendments thereto
- 2 Manufacture of substances where EPA certified priority pollutants such as Naphthalene, Phenols, and Polychlorinated Biphenyls (PCB's) may be a byproduct of such operation
- 3 Hazardous waste warehousing and transfer stations
- 4 Garbage incineration or waste reduction
- 5 Medical waste incineration or waste processing
- 6 Recycling centers and warehousing of recovered resources

(d) Lot Area and Width

- 1 Lots shall have a minimum area of 10 acres, and
- 2 Lots shall have a frontage of not less than 660 feet in width

(e) Building Height

- 1 No building or parts of a building shall exceed 60 feet in height

(f) Yards

- 1 Street Yard - not less than 200 feet from the right-of-way of all Federal, State, and County Trunk highways, and all other roads
- 2 Shore Yard - not less than 200 feet from the ordinary highwater mark of any navigable water
- 3 Side Yard - not less than 200 feet to an adjacent property line

4 Rear Yard - not less than 200 feet to an adjacent property line

(g) Authorized Sanitary Sewer Systems

- 1 Public sanitary sewer
- 2 On-side soil absorption sewage disposal system
- 3 Holding tank on lots of record created prior to July 1, 1980

F. PUBLIC DISTRICTS

12.24-1 I-1 INSTITUTIONAL DISTRICT

(a) Primary Purpose and Characteristics

The I-1 Institutional District is intended to provide for areas which are under private or public ownership and where the uses in those areas for public purposes or institutional purposes, whether public or private, are anticipated to be permanent.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

- 1 Churches
- 2 Hospitals, sanitariums, nursing homes and clinics
- 3 Libraries, museums and art galleries
- 4 Private youth development organizations such as YMCA, Junior Achievement, Boys Club of America and Campfire Girls
- 5 Public or private schools, colleges and universities
- 6 Public administrative offices and public service buildings including fire and police stations, community centers, public emergency shelters
- 7 Public utility offices

(c) Accessory Uses

- 1 Garages for storage of vehicles used in conjunction with the operation of the principal use.
- 2 Residential quarters for caretakers or clergy
- 3 Service buildings and facilities normally accessory to the principal uses

(d) Conditional Uses (see also section 12.29-8)

- 1 Airport, heliport pads, aircraft hangars for storage and equipment maintenance; aircraft sales and service.
- 2 Bus terminals
- 3 Cemeteries
- 4 Penal, reform, disciplinary and mental institutions
- 5 Power and heat generating plants
- 6 Railroad depots
- 7 School auditoriums, gymnasiums and stadiums
- 8 Utility substations
- 9 Water storage tanks and towers and radio and television transmitting and receiving towers, microwave relay stations
- 10 Wind energy conversion systems---see section 12.29-8(b)137

(e) Lot Area and Width

- 1 Institutional uses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum lot frontage of 75 feet in width, and
- 2 Institutional uses served by on-site soil absorption sewage disposal systems or other approved private

means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

- (f) **Building Height and Area**
 - 1 No building or parts of a building shall exceed 60 feet in height.
 - 2 No maximum or minimum building area shall be required in the I-1 Institutional District due to the variety of uses within this district and the diverse building demands of each use.

- (g) **Yards**
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and County trunk highways and not less than 30 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 10 feet in width on each side of all structures.
 - 4 Rear yard - not less than 25 feet.

- (h) **Authorized Sanitary Sewer Systems**
 - 1 Public sanitary sewer systems
 - 2 On-site sewage disposal absorption system

12.24-2 PR-1 PARK-RECREATIONAL DISTRICT

(a) Primary Purpose and Characteristics

The PR-1 Park-Recreational District is intended to provide for areas where the recreational needs, both public and private, of the populous can be met without undue disturbance of natural resources and adjacent uses.

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

- 1 Bike trails
- 2 Boat rental and boat access sites
- 3 Botanical gardens
- 4 Cross country ski trails
- 5 Fairgrounds
- 6 Historic monuments or sites
- 7 Hiking and nature trails and walks
- 8 Hunting and fishing clubs
- 9 Neighborhood tot lots
- 10 Outdoor skating rinks
- 11 Parks and playgrounds
- 12 Picnicking areas
- 13 Playfields or athletic fields
- 14 Ski hills without facilities
- 15 Sledding, skiing or tobogganing
- 16 Tennis courts

(c) Accessory Uses

- 1 Bathhouses and locker rooms
- 2 Equipment storage facilities
- 3 Pavilion and restroom facilities

(d) Conditional Uses (see also section 12.29-8)

- 1 Amusement Parks, carnivals, circus, fairground and exposition grounds
- 2 Archery and firearm ranges (outdoors)
- 3 Arena, stadium, colosseums, auditoriums and gymnasiums
- 4 Assemblies over 5,000
- 5 Beaches, and public swimming pools
- 6 Campgrounds (rental)
- 6a Conversion of a resort into a residential condominium (8/15/89)
- 7 Golf Courses
- 8 Golf driving ranges
- 9 Marinas and marine sales and services
- 10 Minibike trails
- 11 Recreational vehicle (RV) campground or subdivisions
- 12 Resorts
- 13 Skeet and trap shooting ranges
- 14 Ski hills with restaurants and ski shops
- 15 Snowmobile trails
- 16 Sportsmen clubs
- 17 Summer theaters and amphitheaters or band shells
- 18 Wind energy conversion system--see section 12.29-8(b)137

19 Zoological and botanical gardens

- (e) Lot Area and Width
 - 1 Lots in the PR-1 Park-Recreational District shall provide sufficient area for the principal structure or use and accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not available, and required yards
- (f) Building Height and Area
 - 1 No building or part of a building shall exceed 100 feet in height
 - 2 No maximum or minimum building area shall be required in the PR-1 Park-Recreational District due to the variety of uses within this district and the diverse building demands of each use.
- (g) Yards
 - 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State trunk or County trunk highways; and not less than 40 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 40 feet in width on each side of all structures
 - 4 Rear yard - not less than 40 feet
- (h) Authorized Sanitary Sewer Systems
 - 1 Public sanitary sewer
 - 2 On-site sewage disposal absorption system
 - 3 Holding tank

G. CONSERVANCY DISTRICTS

12.25-1 C-1 LOWLAND RESOURCE CONSERVANCY DISTRICT (11/5/86)

- (a) **Primary Purpose and Characteristics**
The C-1 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or manmade resources and to protect water courses and marshes including the shorelands of navigable waters, and areas that are not naturally drained, or which are subject to periodic flooding, where development would result in hazards to health or safety or would deplete or destroy natural resources or be otherwise incompatible with public welfare.
- (b) **Designation of Lowland Conservancy Areas**
For the purpose of determining which areas are to be located in the C-1 Lowland Resource Conservancy District, the Kenosha County Office of Planning and Zoning Administration shall develop district maps reflecting the best data available. The district delineation process shall make use of the Wisconsin Wetland Inventory Maps for Kenosha County, dated June 20, 1985, and stamped "FINAL"; and other maps used by the Southeastern Wisconsin Regional Planning Commission in delineating primary environmental corridors.
- (c) **Mapping Disputes in the C-1 District**
Whenever it is alleged that a discrepancy exists between a Lowland Resource Conservancy District delineation and actual field conditions, the staff of the Kenosha County Office of Planning and Zoning Administration shall resolve the discrepancy in the following manner:
- 1 The Kenosha County Office of Planning and Zoning Administration staff shall request that the staff of the Wisconsin Department of Natural Resources make a field inspection of the disputed lot and stake the limits of the Lowland Resource Conservancy District.
 - 2 The Kenosha County Office of Planning and Zoning Administration shall notify the property owner of the preliminary results of the field investigation. The property owner shall determine, within 30 days, whether he will pursue a final wetland determination on the property.
 - 3 Should the property owner decide to pursue a final wetland determination, he shall have a plat of survey prepared by a Wisconsin Registered Land Surveyor. The plat of survey shall show all property lines, structures on the lot or parcel, and the location of the wetland boundary as staked in the field. The plat of survey shall be filed with the Kenosha County Office of Planning and Zoning Administration.
 - 4 The Kenosha County Office of Planning and Zoning Administration shall institute the appropriate action to change the Zoning Map to conform to the plat of survey. No fee shall be required of the property owner for this action.
- (d) **Principal Uses.**
- 1 The following uses provided they do not involve filling, flooding, draining, dredging, ditching, tiling, or excavation:
 - a Hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited by law.

- b The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c The pasturing of livestock;
 - d The cultivation of agricultural crops;
 - e The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f The construction or maintenance of duck blinds.
- 2 The following uses which may involve filling, flooding, draining, dredging, ditching, tiling, and excavating but only to the extent specifically provided below:
- a Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - b The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - c The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
 - d The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - f The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (e) Conditional Uses (see also section 12.29-8)
 No conditional uses shall be permitted in the C-1 Lowland Resource Conservancy District except:
- 1 Roads necessary to conduct silvicultural and agricultural cultivation activities.
 - 2 Nonresidential buildings for wildlife management.
 - 3 Park and recreation areas.
 - 4 Railroad lines.
 - 5 Utilities.
 - 6 Wildlife ponds. (6/2/92)

- (f) Lot Area
 Where a lot or parcel is located partially within a C-1 Lowland Resource Conservancy District and partially within an adjoining use district, that area of the lot or parcel in the C-1 District may be used to meet the lot area requirement of the adjoining district provided that at least 50 percent of the minimum lot area requirement is

provided outside the C-1 District where public sanitary sewerage facilities are available, and at least 40,000 square feet is provided outside the C-1 District where public sanitary sewerage facilities are not available.

(g) Structures

No structure shall be permitted, except those permitted by conditional use grant, in the C-1 Lowland Resource Conservancy District. Furthermore, no on-site soil absorption sanitary sewage system, holding tank, or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 Lowland Resource Conservancy District.

C-2 UPLAND RESOURCE CONSERVANCY DISTRICT

- (a) **Primary Purpose and Characteristics**
 The C-2 Upland Resource Conservancy District is intended to preserve, protect, enhance and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of Kenosha County.
- (b) **Principal Uses**
- 1 Agricultural uses
 - 2 Hunting and fishing
 - 3 Preservation of scenic, historic and scientific areas
 - 4 Forest and game management
 - 5 Park and recreation areas
 - 6 One single-family dwelling
- (c) **Accessory Uses**
- 1 Gardening, tool and storage sheds incidental to the residential use
 - 2 General farm buildings, including barns, silos, stables, sheds, and storage bins
 - 3 Home occupations and professional home offices
 - 4 Private garages and carports
- (d) **Conditional Uses (see also section 12.29-8)**
- 1 Utility substations
 - 2 Wind energy conversion system
- (e) **Parcel Area and Width**
- 1 Parcels shall have a minimum area of five acres
 - 2 All such parcels have a frontage of not less than 300 feet in width except on a cul-de-sac or curve in which case the lot frontage may be reduced to 150 feet of frontage provided there is at least 300 feet of width at the required building setback line
- (f) **Building Height and Area**
- 1 No building or part of a building shall exceed 35 feet in height
 - 2 The total minimum floor area of a dwelling shall be 1400 square feet with a minimum first floor area of 1000 square feet
- (g) **Yards**
- 1 Street yards - not less than 65 feet from the right-of-way of all Federal, State and County Trunk highways and not less than 40 feet from all other roads.
 - 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water. (11/5/86)
 - 3 Side yard - not less than 25 feet in width on each side of all structures
 - 4 Rear yard - not less than 50 feet.
- (h) **Authorized Sanitary Sewer System**
- 1 On-site sewage disposal absorption system
 - 2 Public sanitary sewer

H. OVERLAY DISTRICTS

12.26-1 FPO FLOODPLAIN OVERLAY DISTRICT

(a) Primary Purpose and Characteristics

The FPO Floodplain Overlay District is hereby created pursuant to the mandates of Wisconsin Statute section 87.30 for the purpose of regulating all floodplains where serious flood damage may occur. The purpose of these regulations is to provide for sound floodplain management in Kenosha County so as to:

- 1 Protect life, health and property
- 2 Minimize expenditures of public monies for costly flood control projects
- 3 Minimize rescue and relief efforts, generally undertaken at the expense of the general public
- 4 Minimize business interruptions
- 5 Minimize damage to public facilities on the floodplains, such as water mains, sewer lines, streets and bridges
- 6 Minimize the occurrence of future flood blight areas on floodplains
- 7 Discourage the victimization of unwary land and home buyers
- 8 Preserve essentially open space of natural use lands which are unsuitable for intensive development purposes due to poor natural soil conditions and periodic flood inundation
- 9 Regulate floodplain areas so as to maintain and improve water quality, protect aquatic and wildlife habitat and prohibit the location of structures on soils which are generally not suitable for such use

(b) Definitions, (See Appendix A)

(c) Designation of Floodplain Areas

For the purpose of determining which areas are to be located within the FPO Floodplain Overlay District, the Kenosha County Office of Planning and Zoning Administration shall develop Floodplain Zoning Maps reflecting the best available data and which show the areas to be regulated. Where Kenosha County large scale topographic mapping is available, the floodplain areas shall be delineated on said large scale topographic mapping. Appendix C of this ordinance contains a listing of where large scale topographic mapping is available where large scale topographic maps have not been prepared, the best available mapping shall be used to show the floodplains.

(d) Principal Uses

Any use of land, except structures, that is permitted in the underlying basic use district shall be permitted. Examples of such use would be croplands in any agricultural district; required yards in a residential district; or parking and loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two feet or that such areas are not subject to flood velocities greater than two feet per second upon the occurrence of a 100 year recurrence interval period. (2/6/90)

(e) Conditional Uses (see also section 12.29-8)

- 1 Bridges and approaches
- 2 Filling as authorized by the Wisconsin Department of Natural Resources and the United States Army Corp of Engineers to permit the establishment of approved bulkhead lines

- 3 Marinas
- 4 Municipal water supply and sanitary sewage systems
- 5 Navigational structures
- 6 Park and recreational areas not including structures
- 7 Public water measuring and control facilities done in accordance with the provisions of section NR116.17 of the Wisconsin Administrative Code
- 8 Utility facilities (except buildings and substations) such as underground water tight conduits, telephone and electric poles, etc., constructed in conformance with section NR116.17 of the Wisconsin Administrative Code.

- (f) **Lot Area**
Where a lot or parcel is located partially within a floodplain and partially within an adjoining use district, that area of the lot or parcel in the floodplain may be used to meet the lot area requirements of the adjoining district provided that at least 50 percent of the minimum lot area requirement is provided outside the floodplain where public sanitary sewerage facilities are available, and at least 40,000 square feet is provided outside the floodplain where public sanitary sewerage facilities are not available. (11/5/84)
- (g) **Dumping, Filling, Excavation and Obstructions Prohibited**
Lands lying within the FPO Floodplain Overlay District shall not be obstructed in any manner, nor shall such lands be used for dumping of any material or substance (including manure) or be filled, except as authorized to permit the establishment of approved bulkhead lines or to accommodate bridge approaches. Excavation in the Floodplain area shall be prohibited, except that normal earth grading activities as defined in this ordinance to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.
- (h) **Storage of Materials Prohibited**
Lands lying within the FPO Floodplain Overlay District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, plant, fish or other aquatic life.
- (i) **Incompatible Uses Prohibited**
Lands lying within the FPO Floodplain Overlay District shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewage system site, holding tank, or the construction of any wells used to obtain water for ultimate human consumption. The restricted confinement or permanent sheltering of animals shall be prohibited.
- (j) **Structures Prohibited**
Except for navigational structures, public water measuring and control facilities, bridges and utilities, NO structures, dwellings, mobile homes or shelters shall be located, moved or placed on lands in the FPO Floodplain Overlay District. This section shall be strictly construed and shall not be subject to variances.
- (k) **Channel Structures**
In addition to the above structures, the erection of all structures in a channel shall require a permit from the State agency having jurisdiction pursuant to section 30.12(2) of Wisconsin Statutes. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines

established by any municipality pursuant to section 30.11 or 30.13 of the Wisconsin Statutes.

- (l) **Dam Construction**
Dam construction, operation, maintenance and abandonment are uses requiring a public hearing before the Land Use Committee in accordance with section 12.29-5 of this ordinance. This committee shall then advise the State agency having jurisdiction under section 31.05, 31.07, 31.13 and 31.185 of the Wisconsin Statutes of its findings prior to the issuance of the required State permit.
(11/5/84)

- (m) **Removal of Trees and Shrubs**
The removal of trees, shrubs and foliage from the Floodplain Overlay District shall be prohibited unless conducted in accordance with section 12.18-2 and with the further provision that such activity is conducted in a manner so as to be consistent with sound floodplain management.

HO HISTORICAL OVERLAY DISTRICT

(a) Purpose and Intent

It is hereby the finding of the Kenosha County Board of Supervisors that the protection, enhancement, perpetuation and use of improvements in areas of special character or special historical interest or value may be required in the public interest. The purpose of this district is to:

- 1 Effect and accomplish the protection, enhancement and perpetuation of such improvements and areas which represent or reflect elements of the County's cultural, social, economic, political and architectural history.
- 2 Safeguard the County's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.
- 3 Stabilize and improve property values.
- 4 Foster civic pride and promote education in the beauty, culture, tradition, and noble accomplishments of the past.
- 5 Protect and enhance the County's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- 6 Strengthen the economy of the County.

This district may be implemented only upon creation of a historical preservation commission created pursuant to subsection (d) of this section.

(b) Definitions

In this section, unless the context clearly requires otherwise:

- 1 "Historic area" means a designated area or areas containing one or more landmarks as well as those abutting improvement parcels which have been determined to fall under the provisions of this section to assure that their appearance and development is harmonious with such landmarks.
- 2 "Improvement" means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.
- 3 "Improvement parcel" is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.
- 4 "Landmark" means any improvement, parcel of land, or area designated as such pursuant to this ordinance and which:
 - a Has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the county, state or nation or reflects the broad

political, economic or social history of the county, state or nation, or

- b Has substantial value in tracing the history of aboriginal man, or
- c Is the site of an historic event which has occurred or is identified with historic personages or with important events in national, state or local histories, or
- d Embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or
- e Is representative of a notable work of a master builder, designer or architect whose individual genius influences his age.

(c) **Historical Overlay District Designation**

For purpose of this ordinance, an Historical Overlay District designation may be placed on any site which may be designated as a "landmark" or "historic area" pursuant to the provisions of this section.

(d) **Advisory Historical Preservation Commission.**

Composition and Terms.

An Advisory Historical Preservation Commission may be created without further town board approval, consisting of seven (7) members. Of the membership, one shall be a registered architect; one shall be a historian qualified in the field of historic preservation; one shall be a licensed real estate broker; one shall be a County Board Supervisor; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in landmark preservation. The County Executive shall appoint the commissioners subject to confirmation by the County Board. Of the initial members so appointed two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(e) **Duties of Historical Preservation Commission**

1 **Recommendation.** The commission shall have the responsibility subject to subsection (f) of this section, to recommend the designation of historical overlay districts as defined in this section within the unincorporated areas of the County. Such recommendation shall be made in accordance with the criteria set forth in this section.

2 **In addition, the commission shall:**

- a **Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage historic district owners to assist in carrying out the intent of this ordinance.**
- b **Work closely with the State of Wisconsin liaison officer and the Governor's liaison**

committee for National Register of Historic Places of the United States National Park Service in attempting to include such properties hereunder designated as historic districts on the Federal Register.

- c Work for the continuing education of the citizens about the historic heritage of this County and the historic districts designated under the provisions of this section.
- d Receive and solicit funds, as it deems advisable, for the purpose of historic district preservation in the County. Such funds shall be placed in a special county account for such purpose.

(f) Procedures

- 1 Designation of Historical Overlay Districts.
The commission may, after notice and public hearing, recommend the establishment of historical overlay districts, or recommend the rescision of such designation, after application of the criteria set forth in this section. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the County Assessor, who are owners of property in whole or in part situated within five hundred (500) feet of the boundaries of the property affected. These owners shall have the right to confer with the commission prior to final action by the commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes. The Commission shall also notify the following: the Town Board wherein the District is proposed or located, the County Park Commission and the Kenosha County Office of Planning and Zoning Administration. Each such department may respond to the commission within thirty (30) days of notification with its comments and proposed recommendation. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescision. Within ten (10) days after the close of the public hearing, the commission may recommend designating the property as an historical overlay district or recommend rescision of such designation.
- 2 Petition for Historical Overlay District
After the recommendation set forth in subsection 1 has been made, the commission shall petition the Kenosha County Land Use Committee for a rezoning of the subject property or properties from its original zoning classification to an Historical Overlay District or in the alternative, may petition that property currently located in the Historical Overlay District be rezoned. Where the property has been rezoned to a Historical Preservation District, only those uses permitted in the underlying district shall be permitted. The underlying district may be changed without additional costs at the same time as the Historical Preservation District is created.

The Land Use Committee shall follow the procedures outlines in section 12.38 of this ordinance in proceeding with the petition for an amendment to this ordinance. (11/5/84)

3

Historical Overlay District Preservation Plan

At the public hearing held before the Land Use Committee pursuant to section 12.38 of this ordinance, the Commission shall present an Historical Overlay District Preservation Plan prepared for the Commission by an architect or historian which shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives. At the public hearing before the Land Use Committee, the Committee shall make findings that the proposed area or areas are suitable for designation by the county board as "landmark" or "historic areas" and therefore for historic preservation and set forth the reasons for such finding. In addition, the committee shall adopt the Historical Overlay District Preservation Plan without change. Guidelines to be considered in the development of Historical Overlay District Preservation Plan for an historic area are to be as follows: (11/5/84)

- a All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
- b The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.
- c In the street elevation(s) of a building the proportion between the width and height in the facade(s) should be visually compatible with the building environment with which it is visually related.
- d The proportions and relationships between doors and windows in the street facade(s) should be visually compatible with the buildings and environment with which it is visually related.
- e The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
- f The existing rhythm created by existing building masses and spaces between them should be preserved.
- g The materials used in the final facade(s) should be visually compatible with the buildings and environment with which it is visually related.
- h The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
- i Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
- j The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
- k The landscape plan should be sensitive to the individual building, its occupants and their

needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.

- l All street facade(s) should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- m Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

4 County Board Action

The action and recommendation of the Land Use Committee shall be forwarded to the Kenosha County Board of Supervisors for final determination. Once a site or sites have been designated as a landmark or historic area and a Historical Overlay District created by the County Board and the Zoning Map amended and the Historical Preservation Plan adopted and notice of the designation filed with the Register of Deeds Office for Kenosha County, and all town building inspectors, such districts shall be subject to all of the provisions of this ordinance. (11/5/84)

(g) Regulation of Construction, Reconstruction and Exterior Alteration

- 1 Any application for a permit from a township building inspector involving the exterior of a designated landmark, or structure within an historical area shall be filed with the Historical Preservation Commission.
- 2 No owner or person in charge of a landmark, or structure within an Historic area shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an Historical Overlay District or cause or permit any such work to be performed upon such property unless a Certificate of Appropriateness has been granted by the Historical Preservation Commission. Unless such certificate has been granted by the commission, a township Building Inspector shall not issue a permit for any such work.
- 3 Upon filing of the application with the Historical Preservation Commission, the Historical Preservation Commission shall determine:
 - a Whether, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
 - b Whether, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
 - c Whether, in the case of any property located in a historic area, designated pursuant to the terms of section (f)4, hereunder, the proposed construction, reconstruction or exterior alteration would or would not conform to the objectives and design criteria of the historical preservation plan for said historic area as duly adopted by the County Board.

4 If the commission finds the guidelines set forth in subparagraphs a, b, and c of Paragraph 3 have been met, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the appropriate Township Building Inspector. The commission shall make this decision within thirty (30) days of the filing of the application. Should the commission fail to issue a Certificate of Appropriateness due to failure of the proposal to conform to the above guidelines, the applicant may appeal such decision in accordance with the procedures set forth in section 12.35 of this ordinance. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(h) Regulation of Demolition

No permit to demolish all or part of a landmark, or improvement in an Historical Overlay District, shall be granted by the appropriate Township Building Inspector except as follows:

- 1 Any person in charge of a landmark, or structure in an historic area shall not be granted a permit to demolish such property without written approval of the commission.
- 2 At such time as such person applies for a permit to demolish such property, such application shall be filed with the commission. Upon such application, the commission may refuse to grant such written approval for a period of up to ten (10) months from the time of such application, during which time the commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this ten (10) month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the appropriate Township Building Inspector may issue the permit to demolish the subject property without the approval of the commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and are available for disbursement within a period two (2) months following the end of such ten (10) month period, the appropriate Township Building Inspector may issue the permit to demolish the subject property without the approval of the commission.

(i) Recognition of Landmarks and Historic Areas

At such time as a landmark or historic area has been properly designated in accordance with this ordinance, the commission shall cause to be prepared and erected on such property at County expense, a suitable plaque declaring that such property is a landmark or historic area. Such plaque shall be so placed as to be easily visible to

passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the commission.

(j) Sale of Landmarks

Any party who is listed as the owner of record of a landmark at the time of its designation, and who can demonstrate to the commission that by virtue of such designation he is unable to find a buyer willing to preserve such landmark, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the commission for a rescision of its designation. Following the filing of such petition with the commission:

- 1 The owner and the commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
- 2 If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescision, the commission shall rescind its designation of the subject property.
- 3 In the event of such rescision, the commission shall notify the county clerk, the appropriate Township Clerk, and the appropriate Township Building Inspector and the County Assessor of same, and shall cause the same to be recorded, at its own expense, in the office of the Kenosha County Register of Deeds.
- 4 Following any such rescision, the commission may not redesignate the subject area as a landmark or historic area for a period of not less than five (5) years following the date of rescision.

(k) Conformance with Regulations

Every person in charge of any landmark, or improvement in a historic area shall maintain the same or cause to permit it to be maintained in a condition consistent with the provisions of this section. The County Board may appoint the Kenosha County Office of Planning and Zoning Administration or any other individual or group of individuals to inspect the premises and to enforce this ordinance. The duties of the inspection officer shall include periodic inspection at intervals provided by the County Board of designated landmarks and historic areas. Such inspections may include physical entry upon the property to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection at reasonable hours, the inspection officer may obtain a warrant of entry pursuant to Wisconsin Statutes, section 66.122 and take any other reasonable measures to further the enforcement of this ordinance.

(l) Maintenance of Landmarks and Historic Areas

Every person in charge of an improvement in an Historical Overlay District shall keep in good repair all the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be

in addition to all other provisions of law requiring such improvement to be kept in good repair.

- (m) **Conditions Dangerous to Life, Health or Property**
Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in a historic area for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property. In such cases, no approval from the commission shall be required.
- (n) Any party violating any section of this ordinance pertaining to historical preservation shall be subject to the provisions of section 12.33 of this ordinance.

AEO ADULT ENTERTAINMENT OVERLAY DISTRICT

(a) **Intent.** Mindful of the fact that it is the intent of this Ordinance to protect the health, safety and morals of the citizens of Kenosha County and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhoods in Kenosha County and prevent adverse and deleterious affects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment and also mindful of the criminal activity and disruption of public peace associated with such establishments, it is the intent of this section to regulate the location of such establishments of adult entertainment. 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.

(b) **Definitions.** For the purpose of this section: "Specified sexual activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

"Specified anatomical areas" is defined as:

1. Less than completely and opaquely covered;
 - (a) Human genitals, pubic region;
 - (b) Buttock
 - (c) Female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Adult establishments" includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, and cabarets, and are more specifically defined as:

1. **Adult bookstore.** An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult motion picture theater.** An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
3. **Adult motion picture theater. (Outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".

4. **Adult mini motion picture theater.** An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
 5. **Adult bath houses.** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this ordinance.
 6. **Adult massage parlors.** An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.
 7. **Adult modeling studios.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
 8. **Adult body painting studios.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
 9. **Adult Cabaret.** An establishment or business which features male and/or female topless and/or bottomless dancers, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
 10. **Adult novelty shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activity as defined herein or stimulating such activity.
- (c) **Adult Entertainment District.** So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, there is hereby created an adult entertainment district which, subject to the standards set forth in the Ordinance may be used for an adult establishment as defined herein except as may be prohibited in section 12.29-8(b)2.
- (d) **Principal Uses.** No principal uses shall be permitted as a matter of right in the Adult Entertainment Overlay District. All uses shall be conditional uses.

- (e) Conditional Uses (see also section 12.29-8)
- 1 Adult Bath Houses
 - 2 Adult Body Painting Studios
 - 3 Adult Bookstores
 - 4 Adult Cabarets
 - 5 Adult Massage Parlors
 - 6 Adult Mini-motion Picture Theaters
 - 7 Adult Modeling Studios
 - 8 Adult Motion Picture Theater
 - 9 Adult Motion Picture Theater (outdoor)
 - 10 Adult Novelty Shops
- (f) Underlying District Standards. Lot area and width, building height and area, yard requirements and sanitary sewer systems required in the underlying district shall be complied with in the Adult Entertainment Overlay District.
- (g) Procedure for Establishing Adult Entertainment District.
- 1 An application for the establishment of an Adult Entertainment District petitioning for an amendment to the Zoning Ordinance and issuance of a conditional use permit shall be filed with the Kenosha County Land Use Committee. The committee shall refer each application to the Town Planning Commission and the Town Board of Supervisors of the town wherein the property seeking to be rezoned is located which Town Board of Supervisors and Planning Commission shall review and make a recommendation regarding such reclassification. The Land Use Committee shall not zone the land as an Adult Entertainment District until it has received a recommendation from the Town Planning Board and Town Board of Supervisors, or until such time as the Board has failed to act within a reasonable time after a referral of an application. The procedure set forth in section 59.97(5)(e)3 of the Wisconsin Statutes and section 12.38 of this ordinance shall be followed. In addition, those requirements set forth in section 12.29 of this ordinance relating to the issuance of a conditional use permit shall be adhered to. No Adult Entertainment District shall be created which does not substantially comply with the standards set forth in this ordinance. (11/5/84)
 - 2 An application for reclassification of land as an Adult Entertainment District must be accompanied by three copies of the proposed site plan prepared by a certified land surveyor or planner in addition to any other information required under section 12.05-1 of this ordinance.
 - 3 The Land Use Committee shall within a reasonable time after a referral of an application, review the application in accordance with the requirements of this ordinance. After such review, the Land Use Committee shall make a recommendation to the Kenosha County Board of Supervisors in accordance with section 59.97(5)(e)3 of the Wisconsin Statutes. Such recommendation may approve, disapprove or approve subject to modifications the request for rezoning, and shall include a written statement of the board's findings. No application for an Adult Entertainment District shall be approved by the committee unless, however, the following findings have been made: (11/5/84)

- a That all the standards and requirements in this Ordinance will be met by the proposed use.
- b That the proposed use will not be a detriment to the public welfare.
- c That the proposed zoning change is consistent with the general intent of any comprehensive plan in existence.
- d That the existing streets and utility services are adequate for the proposed use.
- e That the establishment of an adult entertainment establishment will in no way contribute to the deterioration of the surrounding neighborhood.
- f That the presence of the adult entertainment establishment will not have a harmful influence on children residing in or frequenting the area.

PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

- (a) **Primary Purpose and Characteristics.**
The Kenosha County Board of Supervisors has determined that section 59.97 of the Wisconsin Statutes grants the county board authority to create "planned development districts" as granted to cities pursuant to section 62.23(7)(b) of the Wisconsin Statutes. The PUD Planned Unit Development Overlay District, set forth herein, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the county board upon specific petition under this section of the ordinance and after public hearing with such development encompassing one (1) or more principle uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the ordinance have been met.
- (b) **Planned Unit Development Overlay District. (PUD)**
So as to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this ordinance except for the A-1, A-2, A-3, A-4, R-1, R-2, R-6, R-12, I-1, PR-1, C-1, C-2, FPO, HO, and AEO districts, there is hereby created the Planned Unit Development Overlay District.
- (c) **Principal, Accessory and Conditional Uses**
Principal, accessory and conditional uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (d) **Ownership**
Areas designated as PUD Overlay Districts shall be under single or corporate ownership or control at the time of their creation.
- (e) **Minimum Area Requirements**
Areas designated as PUD Overlay Districts shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PUD</u>
Residential Planned Unit Development	10 acres
Commercial Planned Unit Development	10 acres
Industrial Planned Unit Development	40 acres

- (f) **Minimum Sanitary Sewer Requirements**
All Planned Unit Developments shall be on a public sanitary sewer system.
- (g) **Pre-petition Conference and General Lay-out Conceptual Plan**
Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet at the Kenosha County Office of Planning and Zoning Administration and the designated representative of the town wherein the Planned Unit Development is to be located to discuss the scope and proposed nature of the contemplated development and data and other information as deemed appropriate and pertinent for presentation to the committee. At the pre-petition conference, the owner or agent shall present a general lay-out conceptual plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a general guideline the requirements set forth in subsection 2a-n of this section.
- (h) **Petition.**
Following the pre-petition conference, the owner or his agent may file a petition with the Office of Planning and Zoning Administration for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by the review fee required under section 12.05-7 of this ordinance as well as the following information:
- 1 A statement which sets forth the relationship of the proposed Planned Unit Development to any existing or proposed master plans or any adopted component thereof, and the general character of and the uses to be included in the proposed Planned Unit Development including the following information:
 - a Total area to be included in the Planned Unit Development, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b A general summary of the estimated value of structures and site improvement costs, including landscaping and special features of common open spaces.
 - c A general outline of the organizational structure of a property owner's association, which may be proposed to be established for the purpose of providing any necessary private services or maintenance of common open spaces.
 - d Any proposed departures from the standards of development as set forth in the county zoning regulations, other county regulations or administrative rules, or other county or town ordinances.

e The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.

- 2 A detailed development site plan including:
- a A survey and legal description of the boundaries of the subject property included in the proposed Planned Unit Development and its relationship to surrounding properties prepared by a land surveyor registered by the State of Wisconsin.
 - b The location of public and private roads, driveways, and parking facilities.
 - c The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 - d The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 - e The type, size, and location of all structures.
 - f General landscape treatment.
 - g Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of the proposed structures.
 - h The existing and proposed location of public sanitary sewer and water supply facilities.
 - i The existing and proposed location of all private utilities or other easements.
 - j The characteristics of soils related to contemplated specific uses.
 - k Existing topography on the site with contours at no greater than two (2) foot intervals.
 - l Detail storm-water drainage plans prepared by a professional engineer registered by the State of Wisconsin.
 - m Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
 - n Any other data or information requested at the pre-petition conference.

(i) Referral to Town Board and Land Use Committee
The petition and detailed site plan for a Planned Unit Development Overlay District shall be referred to the Town of Board of the town wherein the proposed Planned Unit Development is to be located for its review and recommendation, which may include any additional conditions or restrictions which it may deem necessary or appropriate. Following such review, the petition and recommendation

shall be forwarded to the Kenosha County Land Use Committee for similar review and recommendations. (11/5/84)

(j) **Public Hearing**

The Land Use Committee before formulating its recommendations to the County Board shall hold a public hearing pursuant to the requirements of section 12.38 of this ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. (11/5/84)

(k) **Basis for Petition Approval**

1 The Land Use Committee in making its recommendation to the County Board and the County Board in making its determination, shall find: (11/5/84)

a That the petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the Planned Unit Development within twelve (12) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the county.

b That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this section and to the spirit and intent of this ordinance; is in conformity with any existing or proposed adopted master plans or any adopted components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

c The Land Use Committee in making its recommendations and the County Board in making its determination shall further find that: (11/5/84)

- 1) The proposed site is provided with adequate drainage facilities for surface and storm waters.
- 2) The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
- 3) No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
- 4) The streets and driveways on the site of the proposed development are adequate to serve the proposed development and do meet the minimum standards of all applicable ordinances or administrative regulations of the county or town, whichever is more restrictive.
- 5) Centralized public water and sewer facilities is provided.
- 6) The entire tract or parcel of land to be included in a Planned Unit Development Overlay District is held under single ownership, or if there is more

than one (1) owner, the petition for such Planned Unit Development Overlay District is considered as one (1) tract, lot or parcel and the legal description defines said Planned Unit Development as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the Planned Unit Development Overlay District provided that all further divisions are in accordance with the restrictions placed on the particular Planned Unit Development.

d That in the case of a proposed residential Planned Unit Development Overlay District:

- 1) Such development creates an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the county and the town wherein the Planned Unit Development is to be located.
- 2) The following table has been used and complied with for the following districts in determining the density of a development or site: (6/2/92)

Zoning District	Maximum Gross Density (dwelling units per acre)	Average Net Area per Dwelling Unit (Square feet)
R-3	1.8	20,000
R-4	2.4	15,000
R-5	3.6	10,000
R-8	3.6	10,000
R-9	7.3	5,000
R-10	9.1	4,000
R-11	12.1	3,000

- 3) The Residential Planned Unit Development project is limited to development types as hereinafter set forth:
 - a) Cluster developments, attached single-family dwellings, townhouses, and condominiums are permitted in the R-4, R-5 and R-8 districts but shall not exceed two (2) dwelling units per structure.
 - b) Cluster developments, townhouses, and condominiums are permitted in the R-9 district, but shall not exceed four (4) dwelling units per structure.

c) Cluster developments, townhouses, and condominiums are permitted in the R-10 district, but shall not exceed eight (8) dwelling units per structure.

d) Cluster developments, townhouses, and condominiums are permitted in the R-11 district, in which case, the county planning and zoning committee may set limits on structural size and number of units in each structure.

4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.

5) Provision has been made for adequate, continuing fire and police protection.

6) The population composition of the development will not have an adverse effect upon the individual town's capacity to provide needed school or other municipal service facilities.

7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

e) That in the case of a proposed commercial Planned Unit Development Overlay District:

1) The economic practicality of the proposed development can be justified.

2) The proposed development will be adequately served by offstreet parking and truck service facilities.

3) The proposed development is adequately provided with and does not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.

4) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

5) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood or area.

f) That in the case of a proposed industrial Planned Unit Development Overlay District:

1) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design

and will not result in adverse effects upon the property values of the surrounding neighborhood.

- 2) The proposed development will be adequately provided with and will not impose any undue burden on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas.
- 3) The proposed development will include adequate provisions for offstreet parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- 4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(l) **Determination**

The County Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto adherence to the building, site, and operational plans for the development as approved by the County Board.

(m) **Changes and Additions**

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the designated Town Board and the Land Use Committee and if in the opinion of either such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Land Use Committee shall be required and notice thereof shall be given pursuant to the provisions of section 12.38 of this ordinance, and said proposed alterations shall be submitted to the County Board for approval. (11/5/84)

(n) **Subsequent Land Division**

The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of Kenosha County and the individual Town.

- (o) **Failure to begin development if no substantial construction has commenced as defined in section 12.05-3(b) of this ordinance or no use established in the Planned Unit Development District within the time schedule submitted to the county board, the Kenosha County Office of Planning and Zoning Administration shall petition the Kenosha County Board of Supervisors for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zone. The procedures set forth in section 12.38 of this ordinance, relating to the amendment of this ordinance shall be adhered to in its discretion and for good cause, the county board may extend for a reasonable period of time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If the Planned Unit Development Overlay District is rescinded,**

the Office of Planning and Zoning Administration shall remove said district from the official zoning map. Those zoning regulations applicable before the creation of said district shall then be in effect and no vested rights in the Planned Unit Development Overlay District shall be deemed to have accrued.

AO AIRPORT OVERLAY DISTRICT

(a) Primary Purpose and Characteristics

It is the intent of the Kenosha County Board of Supervisors in creating the Airport Overlay District to provide for the possibility of establishing a use district designed to coordinate the planning, development, and regulation of land uses in the vicinity of airports so as to insure that the uses are mutually compatible with the operation of the airport and that any public investment in an airport is protected and further that public safety, welfare, health and convenience is served.

So as to address the problems which are associated with airport development, this district is distinguished by regulations relating but not limited to, safety, density, height restrictions and noise levels.

It is recognized that it is neither possible nor practical to list all of the principal and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Definitions

In this section:

- 1 "Airport affected area" means that area contiguous to the airport property in which mutually compatible land uses would be in the public interest. The total length of an airport affected area may not exceed five (5) times the length of an existing or planned runway, and an airport affected area may not extend beyond the end of the runway by a distance exceeding twice the length of the existing or planned runway. The width of an airport affected area may not exceed one-half mile on either side of the center line of the existing or planned runway.
- 2 "Airport owner" means any city, village, town, county, or combination thereof which owns an approved airport.
- 3 "Approved airport" means any airport or future airport site:
 - a which has been approved as an airport site by appropriate state and federal agencies;
 - b which is included in the state airport system plan; and
 - c to which the fee simple is vested in the airport owner.
- 4 "Mutually compatible uses" means those uses of land which neither create an airport hazard to the safe operation of aircraft using the airport, nor are in such a location relative to the airport that inhabitants might be unduly endangered or otherwise adversely affected by the lawful operation of aircraft using the airport.

(c) Procedures for Creation of Airport Overlay District, AOD
1 Any airport owner may petition the Kenosha County Board of Supervisors for the purpose of creating an Airport Overlay District pursuant to the provisions set forth in section 12.38 of this ordinance, and

2 Prior to petitioning the Kenosha County Board of Supervisors for the purpose of creating an Airport Overlay District, the airport owner shall prepare for presentation to the Kenosha County Land Use Committee an airport affected area land use plan. Said plan shall be prepared in such a fashion so as to consider the social, economic, and environmental affects of the airport and airport operations on land in the vicinity of the airport and in the airport affected area and shall make provision for anticipated growth and coordination of planning efforts for other transportation modes for both passengers and freight. This plan shall reflect environmental, developmental and transportation goals for the area and shall be adopted by the airport owner. A copy of the land use plan, including maps and accompanying documents shall be submitted to the Secretary of the State Department of Transportation for review prior to submission to the Land Use Committee. This plan shall catalogue all existing land uses in the vicinity of the airport and in the airport affected area, project future characteristics involving the operation of the airport and the land requirements for said airport including the number and type of aircraft that will make use of the airport, the hours of operation and the necessary land acquisitions and easements needed for the safe operation of the airport. In addition, said plan shall delineate all noise zones and the type of uses that are both compatible and incompatible in said noise zones, and long-range estimates of noise impact. Said plan shall furthermore identify existing and future incompatible uses, designate alternative land use plans, and techniques for plan implementation, as well as evaluate the potential effects of these alternate land use plans and regulate techniques. The best alternative plan and technique shall be recommended. (11/5/84)

Accompanying said plans shall be all necessary noise contour maps and compatibility charts and tables and height restriction maps necessary for the safe operation of the airport facility.

(d) Upon the creation of an Airport Overlay District pursuant to the provisions of section 12.38 of this ordinance, navigational and meteorological structures shall be permitted and also the following principal uses shall be permitted provided they are permitted in the underlying basic use district and that there is no interference with existing or proposed navigational aids:

- 1 Agriculture, forestry, truck farming and other vegetable and plant crop cultivation, and roadside stands for the sale only of products grown on the premises.
- 2 Arboretum
- 3 Auto storage areas
- 4 Botanical gardens
- 5 Car rental agencies

- 6 Fish and bait hatcheries, and worm farms, including sale at wholesale or retail.
- 7 Game preserves
- 8 Golf courses
- 9 Greenhouses.
- 10 Marinas.
- 11 Nurseries, landscape.
- 12 Parking lots.
- 13 Picnic Areas.
- 14 Public works and public utility facilities such as water pumping stations, plants and reservoirs, electric transmission lines and substations.
- 15 Reservoirs
- 16 Riding academies, public and private stables
- 17 Sod farming
- 18 Water-treatment plants

(e) Upon the creation of the Airport Overlay District, only those accessory uses permitted in the underlying district shall be permitted provided, however, that there is no interference with existing or proposed navigational aids.

(f) Upon the creation of the Airport Overlay District, only the following conditional uses shall be permitted provided they are permitted as either principal or conditional uses in the underlying district. (see also section 12.29-8, Airport Overlay Conditional Uses):

- 1 Aviation schools
- 2 Banking services
- 3 Bottling plants
- 4 Building materials, storage yards or buildings, including sales of equipment commonly used by contractors
- 5 Cemeteries, columbaria, crematories, and mausoleums, subject to the approval of the Wisconsin Board of Health and Board of Adjustment.
- 6 Convention centers
- 7 Gas stations
- 8 Hotels and motels
- 9 Lumber yards, storage and sales
- 10 Night clubs
- 11 Office buildings
- 12 Recreational activities
- 13 Restaurants
- 14 Service and light industries and related offices and showrooms that manufacture, compound, assemble, process, package, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, including chemicals and allied products; food and beverage products; metal and metal products; textiles; bedding and fibers; wood and paper products; glass products; and plastic products
- 15 Sewage disposal plant
- 16 Shopping centers
- 17 Stone monument works
- 18 Terminals, (passenger, freight, taxi, bus)
- 19 Warehouses and related showrooms and offices
- 20 Wholesale distribution centers, including storage buildings, open storage areas, and related offices and showrooms.

(g) Special requirements.
The following special requirements shall apply for all principal, accessory and conditional uses allowed in the Airport Overlay District:

- 1 **Lighting:**
 - a Except as may be permitted as an airport navigational aid, a pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention-getting device shall be expressly prohibited.
 - b Flood lights, spot lights, or other lighting device shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.
 - c Any light which constitutes a "misleading light" within the meaning of TSO-N19 or such other regulations as may be thereafter duly adopted by the Civil Aeronautics Administration, is expressly prohibited.

 - 2 **Radio and Electronic:**
 - a Any radio or electronic device shall be permitted only in conjunction with a valid license therefore or other authorization as may be issued by the Federal Communications Commission.
 - b Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission is expressly prohibited.

 - 3 **Smoke:**

Any operation or use which emits smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.
- (h) **Lot area, width, yards and sanitation requirements.**
Lot area, width, yard and sanitation requirements applicable in the underlying district shall apply in the Airport Overlay District.
- (i) **Height**
Except for legal fences and farm crops, no structure shall be constructed, altered, located or permitted to remain after construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the "Height Restriction Maps" prepared in conjunction with the airport affected area land use plan provided for in section 12.26-5(c)2 of this ordinance.
- (j) **Noise**
No principal, accessory or conditional use shall be permitted on a parcel unless the intended use is compatible with the sound levels expected to be generated on the parcel as shown on the Noise Contour Maps and compatibility charts and tables prepared in conjunction with the airport affected area land use plan provided for in section 12.26-5(c)2 of this ordinance.
- (k) **Amendment.**
Any amendment to the Airport Overlay District shall not be effective until such time as the airport owner has been notified of the proposed amendment and been given an opportunity to notify the Kenosha County Land Use Committee of any adverse affect created by said amendment.
(11/5/84)



V. EXCEPTIONS AND ACCOMMODATIONS

A. MODIFICATIONS AND EXCEPTIONS

12.27-1 HEIGHT EXCEPTIONS

The following structures or parts thereof are allowed to exceed the height limitations set forth in the several districts as set forth in this section unless restrictions are provided pursuant to the issuance of a conditional use permit under section 12.29 of this ordinance or unless restrictions are set forth by the historical preservation board pursuant to section 12.26-2 of this ordinance respectively:

- (a) Architectural Projections
Spires, belfries, steeples, cupolas, domes, parapet walls, chimneys and flues shall not exceed the height required by the district by more than the distance from the nearest lot line provided that such projection is firmly anchored or affixed to the structure.
- (b) Communication Structures
Radio and television transmission and relay towers, and aerials provided however, that said structures shall not exceed in height three (3) times their distance from the nearest lot line.
- (c) Essential Services
Utility poles, water towers, standpipes, electric power and communication transmission lines with the provision, however, that said structures are exempt from the height limitations of this ordinance.
- (d) Special Structures
Elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks may be exempted from the height limitations of this ordinance.
- (e) Other Structures
Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

12.27-2 YARDS

The following structures or parts thereof shall be allowed to project into or to be constructed in a required yard within the area otherwise prohibited by a building yard line unless restrictions are provided pursuant to the issuance of a conditional use permit under section 12.29 of this ordinance or unless restrictions are set forth by the historical preservation board pursuant to sections 12.11 and 12.26-2 of this ordinance respectively:

- (a) Accessory uses and accessory structures may modify yard requirements in the following manner:
 - 1 Accessory uses and detached accessory structures 150 square feet or less in area may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least three (3) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed fifteen (15) feet in height.
 - 2 Detached accessory structures between 151 square feet and 600 square feet in area may be located in

a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least five (5) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed twenty (20) feet in height.

3 Detached accessory structures greater than 600 square feet in area, but no greater than 1,000 square feet in area, may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least ten (10) feet from any lot line; not intended for human habitation or animal shelter; and shall not extend twenty (20) feet in height.

4 Accessory uses and detached accessory structures on lots and parcels within the shoreland jurisdiction of this ordinance shall not extend into the required shore yard unless otherwise specifically permitted by this ordinance.

- (b) Awnings and canopies not to exceed three (3) feet into any yard
- (c) Balconies not to exceed six feet into any yard and not closer than three feet to any lot line.
- (d) Bay windows not to exceed four feet into any yard.
- (e) Belt courses and ornaments not to exceed three feet into any yard.
- (f) Boathouses accessory to permitted uses used strictly for the storage of boats and water related recreational accessories to be used by the owner or occupant of any given parcel may be located within a shore yard but shall not be closer to a lake, stream, pond, or wetland than the ordinary high water mark and shall not exceed one (1) boathouse on the premise for each shoreland lot; shall not exceed the height of twelve (12) feet above the existing shoreline grade except when bluff and/or steep slope conditions exist, (in such cases, it shall not exceed the height of the top grade elevation of said shoreland lot); shall not exceed five hundred and seventy-six (576) square feet in horizontal area covered; shall not be closer than three (3) feet to any side lot line; and the boathouse shall be constructed in such manner as to orient the main opening of the boathouse toward the lake. (11/5/86)
- (g) Chimneys, flues, not to exceed two feet into any yard
- (h) Clothesline posts (rear or side yard only)
- (i) Decks and porches not to exceed 10 feet into any rear yard or side yard, and not closer than three (3) feet to any lot line. (11/5/86)
- (j) Driveways and curbs
- (k) Eaves not to exceed three feet into any yard
- (l) Essential Services
Essential services, utilities, electric power and communication transmission lines are exempt from the yard requirements of this ordinance.

- (m) Fire escapes not projecting into the required rear or side yard by more than six feet and not closer than three feet to any lot line.
- (n) Fences, walls and hedges in accordance with section 12.15 of this Ordinance. Where fences on adjoining properties existing prior to September 1, 1984, are located closer than two (2) feet to a public right-of-way, the applicant may construct a fence with an equal encroachment upon the required setback. (11/5/84)
- (o) Flagpoles in any yard
- (p) Garbage containers, non-permanent (rear yard only)
- (q) Guardhouse or gatehouse or bus shelters in any street yard
- (r) Landscape features such as sun dials, terraces, (open), ornamental lights, birdbaths, etc.
- (s) Mailbox located in highway right-of-way
- (t) Off-street parking is permitted in rear yards in all districts and in front and side yards in the business and industrial districts provided the parking shall not be closer than 25 feet to the public right-of-way if the business or industrial district abuts a residential district and not closer than 10 feet to a lot line if the business or industrial district abuts a residential district.
- (u) Overhanging Roof, eaves, gutter, cornice or other architectural feature not to exceed three feet.
- (v) Planting boxes into any yard
- (w) Recreational apparatus (except swimming pools and tennis courts) (rear and side yard only) such as playground equipment
- (x) Sidewalks, driveways, patios, and steps into any yards
- (y) Signs (in accordance with section 12.14 of this Ordinance)
- (z) Stairways, (uncovered) not to project more than six feet into any required yard and not closer than three feet to any lotline.
- (aa) Steps or stairs to a dwelling, (non-enclosed) not to exceed four feet
- (bb) Trees, shrubs, flowers and other plants, in accordance with the vision requirements of section 12.13-1 of this ordinance.
- (cc) Yard and service lighting fixtures, poles into any yard

12.27-3

AVERAGE STREET YARDS AND SHORE YARDS

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district. The required shore yards may be decreased in any shoreland jurisdictional area to the average of the existing shore yards of the abutting structures on each side, but in no case less than fifty (50) feet.

12.27-4 NOISE
Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

12.27-5 CORNER LOTS
The side yard requirement for corner lots shall be the same as the street yard requirement for the next adjacent lot on the street that the side yard of the corner lot faces. Each corner lot shall thus have two street yards, one side yard, and one rear yard.

B. NON-CONFORMING LOTS, STRUCTURES AND USES

12.28-1 INTENT
Within the Districts established by this ordinance or amendment thereof, there may exist lots, structures and uses of land and structures which were lawful before this ordinance was enacted or amended, but which would be prohibited in the future under the terms of this ordinance or amendment.

It is the intent of the Kenosha County Board of Supervisors to permit these non-conforming lots, structures and uses existing as of the effective date of this ordinance or amendment thereof to remain and continue in accordance with the provisions hereinafter set forth until they are removed by economic forces or otherwise. It is not the intent of this section to encourage the survival of non-conformities since it has been determined that they are incompatible with the character of the districts involved, or to permit non-conformities to be enlarged upon, expanded, or extended except as provided for herein. Existing non-conformities shall not be used to justify adding structures or uses prohibited elsewhere in the same district.

It is the further intention of the Kenosha County Board of Supervisors that the guidelines be set for the purpose of determining:

- (a) That the non-conforming lot, structure or use existed prior to the effective date of this ordinance or amendment thereto;
- (b) The ways in which the right of the non-conforming lot or structure to remain can be served and the ways in which the right to continue non-conforming uses can be lost;
- (c) The extent of permissible variation in the non-conforming lot, structure and use; and,
- (d) The devices available for eliminating such non-conforming lots, structures and uses.

12.28-2 DEFINITIONS

(a) Assessed value
The full market value placed upon the structure or lot by the Kenosha County Assessor as of the date that the non-conformity came into being, that is, the effective date of this ordinance or amendment thereto. Such valuation by the county assessor shall be prima facie evidence of the assessed value of the structure or lot.

(b) Legally existing
A lot, structure or use existing on the effective date of this ordinance or amendment thereto which was created, built or established in accordance with zoning and land use regulations in effect in the township wherein the parcel is located immediately prior to the effective date

of this ordinance or amendment thereto or a lot, structure or use for which a zoning permit was issued prior to the effective date of this ordinance or amendment thereto in accordance with the provision of section 12.02-5 of this ordinance.

(c) Non-conforming Lot

A non-conforming or substandard lot is defined as a parcel of land legally created prior to the effective date of this ordinance or subsequent amendments thereto having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

(d) Non-conforming Structure

A non-conforming structure is one which was legally constructed prior to the effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this ordinance or amendment thereto because the structure is not in conformance with the yards, height, coverage, or floor area ratio requirements of the district in which it is located. A structure located on a non-conforming lot shall not be classified as a non-conforming structure solely because of insufficient lot area or width.

(e) Non-conforming use

A non-conforming use is an activity utilizing land or structures or both legally established prior to the effective date of this ordinance or subsequent amendment thereto, which would not be permitted as a new use in the district in which it is located under the terms of this ordinance.

12.28-3

CURRENT RECORD OF NON-CONFORMING USES

- (a) The Kenosha County Office of Planning and Zoning Administration shall in accordance with section 59.97(10)(b) and (c), of the Wisconsin Statutes, make a record immediately after the approval of this ordinance or amendment thereto, or change in district boundaries approved by the Town Board, all lands, premises and buildings in the townships used for purposes not conforming to the regulations applicable to the district in which they are situated. Such records shall include the legal description of the lands, the nature and extent of the uses therein, the names and addresses of the owner or occupant or both, extent of the non-conformities, the assessed value of the land and structures thereon at the time of its becoming a nonconforming lot, structure or use.
- (b) Promptly upon its completion, the aforementioned record shall be published in the county as a class 1 notice under chapter 985 of the Wisconsin Statutes. Such record as corrected shall be filed without change with the Register of Deeds 60 days after the last publication and shall be prima facie evidence of the extent and number of non-conforming uses existing on the effective date of the ordinance in the town. Corrections prior to the filing of the record by the Register of Deeds may be made on the filing of sworn proof in writing, satisfactory to the Office of Planning and Zoning Administration.
- (c) The Office of Planning and Zoning Administration shall make an annual listing of non-conforming uses, discontin-

ued or created, since the previous listing and for all other non-conforming uses. Discontinued and newly created non-conforming uses shall be recorded as provided for in subsection (b) with the Register of Deeds immediately after the annual listing.

12.28-4 **BURDEN OF PROOF**

Any property owner asserting as a defense to a charge of violating this ordinance that his property was a valid non-conforming use has the burden of demonstrating to a reasonable certainty by the greater weight of credible evidence that:

- (a) The non-conforming use was legally in existence at the time the ordinance was passed or amended, and
- (b) That the use of the property prior to the ordinance was so active and actual that it can be said the property owner acquired a vested interest in its continuance. For purposes of this ordinance, a property owner shall be deemed to have a vested right in the use of his property where that use at the time of the effective date of this ordinance or amendment thereto is both active and actual (noncontemplated) and a substantial degree of activity or expense had been undertaken prior to the effective date of this ordinance or amendment thereto. Permits issued prior to the existence of this ordinance shall be deemed to have created a vested right in the property owner to the extent provided in section 12.02-5 of this ordinance.
- (c) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto.

12.28-5 **EXISTING VACANT NON-CONFORMING (SUBSTANDARD) LOTS**

In any residential, upland conservancy or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds office recorded before the effective date or amendment of this Ordinance, provided such lot or parcel meets all the following minimum requirements--and further provided that all requirements of the County Sanitary Ordinance are met:

Lot	Width	Minimum 50 feet (public sewerage). 65 feet (private sewage system).
	Area	Minimum 5,000 square feet (public sewerage) 10,000 square feet (private sewage system).
Yards	Street	The minimum required in the district except as provided in section 12.27-3 of this ordinance.
	Rear	Minimum 25 feet from lot line.
	Side	Minimum 16 percent of the lot width on each side, but not less than 5 feet from lot line.

12.28-6 **COMMON OWNERSHIP OF ABUTTING NON-CONFORMING LOTS**

Non-conforming lots of record owned by the same individual or individuals shall be combined prior to the issuance of a zoning permit.

12.28-7

EXISTING NON-CONFORMING (SUBSTANDARD) STRUCTURES

The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established lot area and width, building setback line along streets and highways, or the yard, height, parking, loading, or access provisions of this Ordinance.

Substandard structures which encroach upon the yard requirements of this ordinance, but which met yard requirements of the applicable zoning ordinance at the time of construction, may be structurally altered, provided that the use of the structure conforms to those uses permitted in the district, and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements.

Existing Substandard Structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and in so far as is practicable shall conform with the established building setback lines along streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to reconstruction, are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.

Existing Substandard Structures may be moved or reconstructed and insofar as is practicable shall conform with the established building setback lines along streets or highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section, with respect to moving, are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.

12.28-8

EXISTING NON-CONFORMING USES

The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

Only that portion of the land or water in actual use may be so continued and the non-conforming use may not be extended, enlarged or moved.

The alteration of, or addition to, or repair, in excess of 50 per cent of the assessed value of any existing building or structure used for the purpose of carrying on any prohibited trade or new industry under the terms of this ordinance within the district where such buildings or structures are located is prohibited.

The continuance of a non-conforming use of a temporary structure is prohibited by the terms of this ordinance.

Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the non-conforming use or structure with the neighboring uses.

If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water, shall conform to the provisions of this Ordinance.

When a non-conforming structure is damaged by fire, explosion, flood, or other calamity, to the extent of more than fifty (50) percent of its assessed value, as defined in section 12.23-2(a) of this ordinance, it shall not be restored except so as to comply with the use provisions of this Ordinance.

12.28-9 CHANGES AND SUBSTITUTIONS

Once a non-conforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a non-conforming use or structure. Once the Board of Adjustment has permitted the substitution of a more or equally restrictive non-conforming use for an existing non-conforming use pursuant to the provisions of section 12.36-5(a)4, the existing use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board.

12.28-10 FLOODPLAIN NON-CONFORMING USES

No structural repairs to a structure located in the FPO Floodplain Overlay District, or modifications which raise the first floor elevation above the 100 year recurrence interval flood elevation, shall be allowed unless the entire structure is floodproofed by means other than the use of fill to the flood protection elevation, which is 2 feet above 100 year recurrence interval flood. (See Section 12.12-4(1) of this Ordinance for floodproofing requirements). Structural repairs and modifications which elevate the first floor of a floodprone structure shall not exceed over the life of the structure 50 percent of the structure's equalized assess value at the time the structure became nonconforming. The term "modification" for this section shall be strictly interpreted to mean only those modifications that deal directly with the floodproofing of the structure. No additions of any type shall be allowed.

Nonconforming mobile homes (manufactured homes), mobile home parks, and mobile home subdivisions shall comply with the requirements for nonconforming residential structures. Existing mobile homes in a FPO district that have been substantially damaged shall be elevated on a permanent foundation or pad such that the elevation of the foundation or pad is at or above the 100-year recurrence interval flood elevation; the first floor of the mobile home is at or above the floodplain protection elevation; and the mobile home shall be securely anchored to the foundation system to resist flotation, collapse, and lateral movement. Recreational vehicles shall not be considered to be mobile homes (manufactured homes). (2/6/90)

12.28-11 NON-CONFORMING PERFORMANCE STANDARDS

The use of any lot or parcel failing to comply with the performance standards set forth in this ordinance at the time of the adoption of this ordinance shall not be expanded unless such expansion conforms with the performance standards set forth in section 12.12 of this ordinance.

C. CONDITIONAL USES

12.29-1 PURPOSE

A conditional use, as used in this ordinance, is designed to be a flexibility device designed to cope with situations where a particular use, although not inherently inconsistent with the use classification of a particular district, could create special problems and hazards if allowed to develop and locate as a matter of right in a particular district and therefore is in need of special consideration. Often the effects of these uses on the surrounding environment cannot be foreseen until a specific site has been proposed. The nature, character or

circumstances of these uses are so unique or so dependent upon specific contemporary conditions that predetermination of permissibility by right or the detailing in the ordinance of all of the specific standards, regulations or conditions necessary or appropriate to such permissibility is not practical, it being recognized that the county is faced with practical difficulties in defining with precision in advance the conditions under which a conditional use permit will be granted. Those conditional uses hereinafter designated as such are deemed to have one or more of the following characteristics when located within certain districts:

- (a) Hazardous, dangerous or harmful to adjoining or nearby parcels, waters or the environment
- (b) Noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, water or the environment
- (c) Inconsistent with or otherwise adverse to adjoining or nearby land or water uses in the absence of certain conditions

12.29-2 INTENT

It is the intent of the Kenosha County Board of Supervisors to allow the hereinafter designated conditional uses within the areas designated by this ordinance in accordance with section 12.29-5(g) of this ordinance and only when the conditions imposed thereon are met. Any conditions so imposed as a basis for granting the conditional use permit shall be binding on all grantees, assignees, heirs, legatees, donees, transferees and trustees of the petitioner.

12.29-3 PERMITS

The Kenosha County Land Use Committee may authorize the Office of Planning and Zoning Administration to issue a conditional use permit for conditional uses as specified in each of the aforementioned districts set forth in sections 12.20 to 12.26 after review and a public hearing, as provided herein, provided that such conditional uses and structures are in accord with the provisions of this ordinance, its purpose and intent. (11/5/84)

12.29-4 APPLICATION

(a) Applications for conditional use permits shall be made in triplicate to the Office of Planning and Zoning Administration on forms furnished by the Office of Planning and Zoning Administration and shall include the following:

- 1 Name, address and phone number of the applicant, owner of the site, architect, professional engineer, contractor, and authorized agent.
- 2 Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, and the zoning district within which the subject site is located.
- 3 Plat of survey and/or a site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Office of Planning and Zoning Administration showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout or map shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50

feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, and existing and proposed landscaping. Such plans as, for example, a plan of operation, may be required as well as impact statements. (11/5/86)

- 4 For shoreland and floodland conditional uses, such description shall also include information that is necessary for the County Land Use Committee to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing existing and proposed elevations or contours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets water supply and sanitary facilities; aerial photographs, and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types and any other pertinent information required by either the Land Use Committee or the Office of Planning and Zoning Administration. (11/5/84)
- 5 Additional information relative to the elimination or alleviation or control of the danger, hazard or nuisance sought to be averted as may be required by the Land Use Committee or the Office of Planning and Zoning Administration, such as, without limitation due to enumeration, ground surface elevations, basement and first floor elevations, utility elevations, detailed landscape plans, plans of operation, hours, parking plans and waste disposal plans as defined in this ordinance, historic and probable future flood water elevations, areas subject to inundation by flood waters, depths of inundation, floodproofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its affects on flood flows. (11/5/84)
- 6 A list of property owners and parties of interest and their addresses certified by the Kenosha County Assessor's Office as required by section 12.05(1)(e) of this ordinance.
- 7 An agreement to abide by the terms of this ordinance and any permit issued pursuant to it.
- 8 The fee as required by section 12.05-7 of this Ordinance.

12.29-5 REVIEW AND APPROVAL

- (a) After receipt of a petition for a conditional use permit, the Office of Planning and Zoning Administration shall place the matter on the agenda for a public hearing before the Kenosha County Land Use Committee provided, however, that the requirements of 12.06-4 of this ordinance are complied with. (11/5/84)

- (b) Notice of the aforementioned public hearing shall be published as a class 2 notice in a newspaper of general circulation within Kenosha County pursuant to Chapter 985 of the Wisconsin Statutes and the Wisconsin Open Meeting Law, section 19.81 to 19.98 of the Wisconsin Statutes. In addition, notice of said public hearing shall be mailed by certified mail, return receipt requested, to the last known address of all property owners certified by the Kenosha County Assessor as being owners of property within 300 feet of the subject property or parties of interest as defined in this ordinance. Failure to receive notice shall not invalidate any action taken by the committee. After publication and notice, the petitioner may request the Land Use Committee for a one month postponement of the public hearing for good cause and no further publication or notice shall be required, provided, however, that notice of the adjourned hearing date is given in the record at the time of the published hearing. In the event the subject property lies within the shoreland jurisdiction of this ordinance, notice of the public hearing, at least 10 days before the hearing, and a copy of the application shall be mailed to the Southeast District office of the Department of Natural Resources in accordance with section NR115.05(6)(h) of the Wisconsin Administrative Code. In the event the subject property lies within the Floodplain Overlay District, notice of the public hearing and a copy of the application shall be mailed to the Southeast District Office of the Department of Natural Resources in accordance with section NR116.20(2)(c) of the Wisconsin Administrative Code. In the event the subject property is zoned A-1, notice shall be given as required by Wisconsin Statute, section 91.75(5) to the State Department of Agriculture, Trade and Consumer Protection. (11/5/86)
- (c) Upon receiving a petition for a conditional use permit, the Office of Planning and Zoning Administration shall forward a copy of the petition to the town board and/or town planning commission of the town wherein the parcel is located and of any other town that may be immediately adjacent or opposite of such parcel and shall allow such board or planning commission 45 days to comment on said application. Within said period of 45 days, the town board and/or planning commission shall forward their recommendation to the county land use committee along with standards or conditions which are found by them to be necessary for the issuance of a conditional use permit. Said standards or conditions shall be considered by the land use committee. In the event that the town board or town planning commission recommends denial of the conditional use permit, said denial shall be considered by the land use committee in rendering its decision. (11/5/84)
- (d) In hearing a petition requesting the issuance of a conditional use permit, the Land Use Committee shall call the petition at the public hearing. Upon the call of the petition, the petition shall be read by the Chairman of the Committee, and at the conclusion thereof, the chairman shall hear and receive any evidence or sworn testimony presented by the petitioner or his authorized agent. At the conclusion of the petitioner's presentation, the Chairman shall first ask for any public comments from those in support of the petition and secondly from those in opposition to the petition. Any relevant and material evidence or sworn testimony presented by individuals either in favor of or in opposition to the petition shall

be received by the Chairman provided however that said evidence or sworn testimony is properly identifiable for the record. Lastly, the Chairman shall ask for a recommendation from the Office of Planning and Zoning Administration. (11/5/84)

- (e) Upon receiving the recommendation of the Office of Planning and Zoning Administration, the Committee may table the petition for a period of up to three months from the date of public hearing so as to allow the petitioner an opportunity to provide any further information deemed pertinent by the Committee or so as to allow the committee members an opportunity to view the site in accordance with the guidelines set forth in section 12.36-11 or consider the conditions for issuing a conditional use permit or to view similar uses already in existence in accordance with the guidelines set forth in section 12.36-11 if a comparison is warranted. All deliberations and decisions of the committee relating to the issuance of a conditional use permit shall, however, be made at a meeting held in conformance with the Wisconsin Open Meeting Law.
- (f) Upon having received all evidence and hearing all sworn testimony relating to the petition, the Land Use Committee shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and any other pertinent requirements deemed necessary by the committee so as to eliminate, alleviate, or control any hazard, danger, harm, nuisance, adversity or inconsistency that exists or could develop. Upon completion of said review, the committee chairman shall entertain a motion that the committee either grant or deny the petition based upon specific findings and conclusions. (11/5/84)
- (g) In making its determination, the committee shall make the following findings:
 - 1 Identification of the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be averted.
 - 2 The affect of the proposed conditional use on drainage, traffic circulation, and the provision of public services.
 - 3 Existing and proposed methods of eliminating, alleviating or controlling the identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency.
 - 4 That regardless of any other provisions of this ordinance to the contrary allowing for a conditional use permit for a particular use on a particular parcel, that the proposed and applied for use on a particular parcel is not inherently inconsistent with either the district in which it is located or adjoining districts or neighborhoods.
- (h) Unless specifically altered by section 12.29-8 of this ordinance, compliance with all of the minimum provisions of this ordinance, dealing with such matters as, without limitation due to enumeration, lot area and width, building height and area, yards, sanitary systems, signs, parking, loading, traffic and highway access and perfor-

mance standards shall be required of all conditional uses. Variances shall only be granted as provided in section 12.36 of this ordinance.

- (i) The decision of the committee shall be final unless a motion to review the decision of the committee is made and seconded at the County Board Meeting immediately following the decision of the Committee. All evidence or sworn testimony presented at said public hearing shall be preserved by the Kenosha County Office of Planning and Zoning Administration. Notice of conditional uses granted in the A-1 Agricultural Preservation District shall be given to the State Department of Agriculture within 10 days following the decision. Notice of conditional uses granted in the FPO Floodplain Overlay District or in any other area where the shoreland jurisdiction is applicable shall be given to the Southeast District office of the State Department of Natural Resources within 10 days following the decision. (11/5/86)
- (j) Any decision of the Kenosha County Land Use Committee or the Kenosha County Board of Supervisors related to the granting or denial of a conditional use permit may be appealed as provided for in section 12.35 of this ordinance. (11/5/84)
- (k) Any conditional use permit granted by the committee shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within 5 days after the issuance of the permit. Any recording fees shall be paid by the applicant. In addition, the Office of Planning and Zoning Administration shall keep a record and/or map of all such conditional uses and permits which shall be open to the public.

12.29-6

EXISTING USES

- (a) All uses existing at the effective date of this ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this ordinance, are hereby declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, repair or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.
- (b) Campgrounds; contractor yards; salvage, wrecking, junk, demolition, and scrap yards; towing services; mineral extraction and related uses; and sanitary landfill uses shall within 180 days after the effective date of this ordinance register with the Office of Planning and Zoning Administration and submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps or site plan showing the existing layout, and such other data as may be necessary to enable the Office of Planning and Zoning Administration to create a permanent file establishing the size, layout and operational characteristics of the existing operation. A permit shall be granted to such existing operations for the extent of the existing operation only. The Office of Planning and Zoning Administration may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit accordingly. Notwithstanding the fact that the aforementioned use may not be permitted within a given district, any addition, exten-

sion, or change in the operation of the aforementioned uses may be permitted, provided that such addition, extension or change shall be subject to the conditional use procedures set forth in this ordinance.

- (c) Any other use not mentioned above which was a conforming conditional use before adoption or amendment of this ordinance, but is not a permitted conditional use in the district in which it is now located, shall be considered a legal non-conforming use and shall be subject to the requirements of section 12.28-1 through 12.28-11 of this ordinance.

12.29-7

REVOCATION OF CONDITIONAL USE PERMIT

Upon a complaint filed alleging non-compliance with the terms of the conditional use permit by any interested party with the Office of Planning and Zoning Administration, or upon the motion of the Office of Planning and Zoning Administration, the Land Use Committee shall schedule an open hearing within 45 days of the filing of the complaint and shall conduct a hearing pursuant to the general outline set forth in section 12.29-5. Upon a finding that the standards, regulations and conditions set forth in granting the conditional use permit have been violated, the Land Use Committee may suspend the conditional use permit until such time as there is compliance with the standards, regulations and conditions imposed in the past. In the alternative, the Committee may revoke the conditional use permit. Any continued operation of the conditional use after a suspension or revocation shall be deemed a violation of this ordinance and subject to the fines set forth in section 12.33 of this ordinance. The action of the Committee may be appealed pursuant to section 12.35 of this ordinance. Any failure to revoke a conditional use permit for past violations shall not operate as a waiver of the right to suppress future violations. (11/5/84)

12.29-8

STANDARDS FOR CONDITIONAL USES

- (a) In addition to the specific conditions required herein, additional reasonable conditions or requirements which bear a direct relationship to the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be eliminated, alleviated or controlled such as without limitation due to enumeration: environmental, economic or social impact statements, storm drainage plans, landscaping, architectural design, type of construction, floodproofing, ground cover, anchoring of structures, construction commencement and completion dates in accordance with section 12.05-3 of this ordinance, sureties, letters of credit, performance bonds, waivers, lighting, fencing, location, size and number of signs, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, plat of survey maps, certified survey maps, easement or street dedications, increased building areas, increased water supply, essential services and utilities, sanitary and sewage requirements, installation of pollution abatement, security, and/or safety systems, higher performance standards, stages for development of the conditional use, future review of the conditional use operation, conditions surrounding termination of the conditional use permit and the period of time for which the conditional use will be permitted may be required by the Land Use Committee if upon its finding these are necessary to fulfill the purpose and intent of this ordinance and so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nui-

sance, adversity or inconsistency sought to be averted. Where studies or impact statements are required, the committee can address problems called to its attention by the imposition of certain conditions aimed at eliminating, alleviating or controlling the problems. (11/5/84)

- (b) The following uses are deemed by the Kenosha County Board of Supervisors to be hazardous, dangerous, harmful, noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, waters or the environment or inconsistent with or otherwise adverse to adjoining or nearby land or water uses and therefore should be required to meet certain additional regulations, standards, and conditions hereinafter set forth and/or standards and conditions imposed by the Land Use Committee in accordance with section 12.29-5(g) so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency prior to being permitted in the particular district wherein said use is listed as a conditional use: (11/5/84)

1 Abrasives and asbestos in the M-2 District.

- a There shall be adequate containment and disposal of waste and by-products used in the manufacturing of abrasives and asbestos.
- b There shall be sufficient safeguards to insure against pollution and contamination of surrounding areas so as to insure against damage to the surrounding environment and to further insure against health hazards.
- c The Office of Planning and Zoning Administration shall be permitted access to the property and buildings located thereon at any time upon request to determine compliance with the specific conditions set forth by the Land Use Committee. (11/5/84)

2 Adult bath houses, body painting studios, bookstores, cabarets, massage parlors, mini-motion picture theaters, modeling studios, motion picture theaters, motion picture theaters (outdoor), and novelty shops in the AEO District.

- a The Adult Entertainment Overlay District shall only be established in situations in which the underlying district is a B-3 Highway Business District.
- b No more than one of the above adult uses may be established on any one parcel and the establishment of any one of the above adult uses shall be at least 1500 feet from the establishment of any other adult use. No adult use shall be permitted within 2000 feet of any land zoned residential institutional or within 2000 feet of a residential Planned Unit Development or farm dwelling.
- c There shall be no sale of intoxicating beverages in the Adult Entertainment District.
- d Signs advertising any of the aforementioned adult uses shall conform with section 12.14-5

of this ordinance with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict illustrations or parts of the human body, and provided further that there shall be no flashing or traveling lights located outside the building.

- e Adequate parking shall be provided in a lighted area.
- f There shall be no display windows on the premises.
- g The owner and/or operator of the adult entertainment establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- h In the case of adult cabarets, there shall be compliance with section 12.12-4(e) of this ordinance relating to noise and the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within that community within which the district is located. Costume regulations as prescribed in the Kenosha County Cabaret Ordinance shall be adhered to.
- i In the case of adult motion picture theaters (outdoor), the establishment shall comply with the same conditional use standards set forth for drive-in theaters in the B-3 District and shall furthermore comply with the standards set forth in section 12.12-4(e) of this ordinance pertaining to noise. Furthermore, outdoor adult motion picture theaters shall confine their hours of operation to those hours of operation established for bars and taverns within the community within which the establishment is located. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height. All theaters shall be in compliance with section 134.46 of the Wisconsin Statutes.
- j Prior to the establishment of an adult entertainment district, an inventory of the surrounding area and population shall be made along with a study of the proposed development and plans for the area so as to enable the Land Use Committee to make appropriate findings relative to the effect of the establishment of such a district in that area.
(11/5/84)

- k The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Land Use Committee. (11/5/84)
 - l In the event of non-compliance with any conditions imposed by the committee and subsequent revocation, the parcel shall revert to its underlying zoning.
- 3 Airstrips, landing fields and hangars for personal or agricultural related uses in the A-1, A-2 and A-4 Districts and airports, heliport pads, aircraft hangars for storage and equipment maintenance and aircraft sales and maintenance in the I-1 District.
- a The area shall be sufficient and the site otherwise adequate to meet the standards of the federal aviation agency and the Wisconsin Department of Transportation and any other Federal or State agency retaining jurisdiction over such airstrips and landing fields in accordance with their proposed rules and regulations. In no case shall the parcel be less than 35 acres in size.
 - b Any building, hangar or other structure shall be at least one hundred (100) feet from any street or boundary line.
 - c Any proposed runway or landing strips shall be situated so that the approach zones are free of any flight obstructions, such as towers, chimneys, other tall structures or natural obstructions outside the airport site.
 - d There shall be sufficient distance between the end of each usable landing strip to satisfy the requirements of the aforementioned agencies, and no landing strip shall be within 200 feet of any property line. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
 - e Airstrips and landing fields in the A-1, A-2, and A-4 Districts are intended only for the use of the property owner and/or emergency landings. No commercial operation shall be permitted with the exception of crop dusting.
 - f Storage of any combustible fuels shall be in accord with any state and federal regulations and due consideration shall be given so as to insure safe storage of such fuels.
 - g Special consideration shall be given to the installation of equipment normally associated with the use of airplanes such as: proper ground markings and lighting, wind direction signals, fire fighting extinguishers, radio communications equipment, and tie-down spaces.

- h No more than two planes shall be housed on the premises except for the case of airports in the I-1 District.
 - i No conditional use permit shall be given unless all necessary federal and state permits have been placed on file with the Office of Planning and Zoning Administration.
- 4 Airport Overlay Conditional Uses.
- a Those conditional uses permitted in the Airport Overlay District pursuant to section 12.26-5(f) shall comply with those requirements set forth for the granting of a conditional use permit for said use in the underlying district. In the event that the conditional use listed in section 12.26-5(f) is not permitted as a conditional use in the underlying district, such conditions may be set as will provide for the health, safety and welfare of the general public.
- 5 Amusement parks, carnivals, circuses, fairgrounds and exposition grounds in the PR-1 District.
- a The site shall contain at least 20 acres and shall have direct access to federal, state or county highways.
 - b All yards shall be at least 50 feet each.
 - c Adequate vacant area must be available on the site to provide lighted parking space sufficient to handle all anticipated crowds with proper ingress and egress to public roads. A traffic-flow plan shall be required.
 - d Accessory uses consistent with the operation of the grounds shall be permitted to the extent that they do not constitute a general retail sales outlet.
 - e In the event that the anticipated attendance is in excess of 5,000 individuals or in the event that overnight camping of 100 or more individuals is anticipated and permitted, there shall be compliance with the standards and requirements set forth in the Kenosha County Activity Control Ordinance.
 - f In the event that the circus, farm or show animals are to be brought onto the site, adequate provision shall be made for their proper confinement and for the proper disposal of animal waste.
 - g Proper sanitary facilities must be provided to handle all anticipated crowds.
 - h Time limits, performance bonds and sureties may be required as a condition for the issuance of such permit. In addition, any requirements reasonably related to the general safety and welfare of those in attendance at such activities may also be required.

- i Increased performance standards relating to noise and hours of operation may be required.
 - j A site plan shall be provided showing the location of all buildings, parking areas, housing of animals and amusement rides, etc.
- 6 Animal hospitals, shelters and kennels and veterinary services in the B-2 District.
- a All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.
 - b Adequate provisions shall be made for the proper disposal of animal waste.
 - c Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.
- 7 Animal reduction in the M-2 District.
- a The site shall contain at least five (5) acres and have an average lot width of at least three hundred (300) feet.
 - b The site shall have direct access to a Federal, State or County Trunk Highway.
 - c Buildings, structures and storage areas shall be located in conformance with the yard requirements of the zone in which they are located, except that no buildings, structures or storage areas shall be located within one hundred (100) feet of any district boundary line. However, any setback from a railroad right-of-way need not exceed five (5) feet.
 - d A bond or other form of surety may be required so as to insure compliance with performance standards set forth in this ordinance.
 - e An application for a conditional use permit for an animal reduction plant shall be accompanied by a report setting forth the proposed operation of the plant and also indicating the method of collection, handling, disposal and storage of all waste and by-products and in addition thereto, a report may be required from an appropriate health authority indicating the appropriateness of the site selection and the proposed plant operation as it may affect the public health.
 - f Prior to the commencement of the operation, copies of any licenses or permits from all appropriate county, state and/or federal agencies shall be submitted to the Kenosha County Office of Planning and Zoning Administration.
 - g Periodic evaluations may be required so as to determine compliance with the provisions of

this ordinance and the permit granted pursuant to it.

8 Archery and firearm ranges (outdoors) in the PR-1 District.

- a All shooting shall be in the direction of targets and all targets shall be at least 500 feet from any property line.
- b Berms shall be five feet in height above the highest point of the target and shall be a minimum of ten feet in depth so as to absorb stray shot.
- c In granting a conditional use permit for archery and firearm ranges, the Land Use Committee shall further evaluate the potential hazards to adjacent uses, the topography and ground cover, and noise to be generated by such activity and establish reasonable and necessary standards for eliminating or minimizing the potential hazards and noise. (11/5/84)
- d Firing shall not be permitted directly toward or over any navigable waters, public or private roads or drives, nor toward any buildings or structures or toward any population concentration within 2000 feet of the range site.
- e There shall be a defined firing line and firing direction, adequate target back stops in addition to the berms aforementioned and a defined target area.
- f Ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals not less than 25 yards around the perimeter. Furthermore, ranges shall be securely fenced off from adjacent lands and waters.
- g Provisions for first aid may be required.

9 Arenas and stadiums in the B-3 District.

- a At least one off-street parking space shall be provided for every three seats located within the arena or stadium.
- b The site shall have direct access to federal, state or county highways.
- c An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the arena or stadium.

10 Arenas, stadiums, colosseums, auditoriums and gymnasiums in the PR-1 District.

- a Those requirements set forth for the granting of a conditional use permit for arenas and stadiums in the B-3 District shall be met for

arenas, stadiums colosseums, auditoriums and gymnasiums located in the PR-1 District.

- 11 Assemblies over 5,000 in the A-2 and PR-1 Districts.
 - a Standards set forth in the Kenosha County Activity Control Ordinance, shall be met.
- 12 Auto-truck body and engine repair and painting in the M-1 and M-2 Districts.
 - a All outside storage of vehicles shall be properly screened, fenced and secured. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - b The premises shall not be used for storage of wrecked and/or dismantled vehicles.
- 13 Automotive Body Repair in the B-3 District.
 - a Those requirements set forth for the granting of a conditional use permit for auto-truck body and engine repair and painting in the M-1 and M-2 Districts shall be met.
- 14 Automotive Sales, Service and Repairs in the B-2 and B-3 Districts.
 - a All servicing and repair work shall be within an enclosed structure. Repair materials, new, used or junk parts shall not be stored outside unless the storage area has a solid fence enclosure. Junk materials shall be removed at least once a month to avoid unsightliness of the site. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - b No cars shall be parked within the vision triangle and all parking lots shall meet all yard requirements.
 - c Lights shall not be beamed directly onto adjoining property.
- 15 Beaches and Public Swimming Pools in the PR-1 District.
 - a Standards such as those required in section 12.17 of this ordinance may be required.
 - b Provision for lifeguards shall be required.
- 16 Bridges and Approaches in the FPO District.
 - a Conditional use permits for bridges and approaches shall not be granted unless the applicant shall show that such use or improvement shall not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage by 0.01 foot or more unless easements or other appropriate legal measures, as may be approved by the Wisconsin Administrative Code, have been taken and

approved, and will not retard the movement of flood waters. When permitted such structures shall be floodproofed and shall be constructed so as not to catch or collect debris nor be damaged by flood waters. Certification of the structure shall be made to the Office of Planning and Zoning Administration and shall consist of a plan or document certified by a registered professional engineer that the structure is consistent with the flood velocities, forces, depths and other factors associated with the 100 year recurrence interval flood. (2/6/90)

- b The conditional use permit shall not be granted unless there is assurance of compliance with the provisions of the floodplain zoning ordinance, the purpose and objective of floodplain management, as enumerated in section NR116.01 of the Wisconsin Administrative Code, and local comprehensive plans in other land use controls.
- 17 Bus depots in the B-2 District.
- a Sufficient space for off-street parking shall be required.
- 18 Bus terminals in the I-1 District and bus terminals and related equipment storage and maintenance buildings in the M-2 District.
- a All maintenance and repair work shall be done within an enclosed structure.
 - b Storage of fuels and other combustible materials and products shall be adequately safeguarded and located in such a fashion as to minimize hazards inherent in the storage of such materials.
- 19 Campgrounds (Rental) in the PR-1 District.
- a Each campsite shall be plainly marked.
 - b The maximum number of campsites shall be twelve per gross acre.
 - c The minimum size of a recreational vehicle rental park or campground shall be five (5) acres.
 - d The minimum dimensions of a campsite shall be 30 feet wide by 50 feet long.
 - e Each campsite shall be separated from other campsites by a yard not less than 15 feet wide.
 - f There shall be two (2) automobile parking spaces for a campsite.
 - g No campsite shall be located closer than 75 feet from a public highway or road right-of-way, nor closer than 40 feet from any other property boundary. All camping units shall be

located no closer than 20 feet to any internal private service road. All service roads shall be free of parked vehicles.

h All campgrounds shall conform to the requirements of section HSS 178, Wisconsin Administrative Code, which shall apply until amended and then shall apply as amended.

i Each campground shall be completely enclosed, except for permitted entrances and exits by either:

- 1) A Temporary planting of fast growing material, capable of reaching a height of ten feet or more, and
- 2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within 10 years, they will have formed a dense screen, such permanent planting shall be grown or maintained to a height of not less than ten feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.

j Each trailer camp, campground, or camping resort shall have a service building similar to that required by section HSS 177 of the Wisconsin Administrative Code.

k Any recreational vehicle rental park or campground may have one commercial facility per development, such as a small convenience store, restaurant or snack bar, etc., located within the complex when designed for use by the occupants only. Under no circumstances may this facility be located on a public road and used for general street trade and no advertising of the facility shall cater to the general public.

l No trailer or camping unit shall be located on one site for a period of more than six weeks or an extension thereof not to exceed 15 days. No trailer shall be stored in a trailer park, camping ground or camping resort and in no event shall any structures on the camp site or camping trailers be used as permanent living quarters.

m Periodic inspections by appropriate health authorities may be required as a condition for the granting of a conditional use permit for the campground.

20 Car washes in the B-2 and B-3 Districts.

a Car washes shall be located on a public sanitary sewer and on federal, state or county highways.

b A traffic flow pattern shall be submitted to the committee.

- 21 Caretaker quarters in the M-3 District.
- 22 Cemeteries in the I-1 District.
- a The site proposed for a cemetery shall not interfere with the development of a system of collector and arterial streets in the vicinity. In addition, the site shall have direct access to a public roadway.
 - b Any new cemetery shall be located on a site containing at least twenty (20) acres.
 - c All burial buildings and crematoriums shall meet the yard requirements of the District. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.
 - d All graves or burial lots shall be set back at least thirty (30) feet from any street bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each.
 - e Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by an existing conditional use permit must comply with the requirements of this section.
 - f Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.
 - g Nothing in these provisions, however, shall prohibit the issuance of a conditional use permit for a pet cemetery.
- 23 Chemicals in the M-2 District.
- a A detailed site, operation, fire protection, security, waste disposal, storage, pollution control, storm drainage, and traffic flow plan shall be presented to the committee.
 - b Performance bonds shall be required to insure compliance with the terms of the conditional use permit.
 - c The committee shall be advised of the potential of any health hazards that may accompany the manufacture or production of chemicals.
- 24 Coal and bone distillation in the M-2 District.
- a Performance bonds shall be required to insure compliance with the performance standards set forth in this ordinance.
- 25 Commercial egg production in the A-3 District. For all new and expanding commercial egg production

facilities, the following requirements shall be complied with:

- a The site shall contain a minimum of 50 acres.
- b There shall be submitted a detailed site plan showing all building locations and distances and the capacity of each building.
- c There shall be submitted to the Land Use Committee for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures. (11/5/84)
- d There shall be submitted detail of all types of equipment used in handling process of manure.
- e There shall be provided a plan for odor control, such as ozinators, etc.
- f There shall be provided a detailed day-to-day management plan for total operation.
- g There shall be provided a vermin, rat, and insect control plan for all facilities on the premise.
- h All buildings housing chickens shall be located at least 500 feet from any property boundary line.
- i There shall be provided a detailed storm water drainage plan between all buildings and feedlots.
- j There shall be provided a sealed vermin-proof container for all dead chickens and further, the owner and operator shall present the Land Use Committee with proof that the operator has contracted with a licensed renderer to haul all dead chickens off premise on a weekly basis. Further, the owner shall be required to show that hauling is being performed at last once a week. (11/5/84)

26 Commercial feedlot in the A-3 District. For all new and expanding commercial feedlot facilities, the following requirements shall be complied with:

- a The site shall contain a minimum of 50 acres.
- b The applicant shall submit a detailed site plan showing all distances between building locations and feedlot areas and the capacity of each building and feedlot.
- c The applicant shall submit to the Land Use Committee for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where

manure is to be spread and distances to the surrounding residential structures. (11/5/84)

- d The applicant shall detail all types of equipment used in the handling process of manure.
- e The applicant shall provide a plan for odor control, such as ozonators, etc., if located inside a building.
- f The applicant shall provide a detailed day-to-day management plan for total operation.
- g The applicant shall provide a vermin, rat, and insect control plan for all facilities on the premise.
- h All buildings and feedlots shall be located at least 500 feet from any property boundary line.
- i The applicant shall provide a detailed storm water drainage plan between all buildings and feedlot areas.
- j The applicant shall present the Land Use Committee with proof that the operator has contracted with a licensed renderer to haul all carcasses off the premise on a weekly basis. Further, the owner shall be required to show that hauling is being performed at least once a week. (11/5/84)
- k The applicant shall provide an adequate water supply system for all animals on the premises.

27 Commercial Recreational Facilities in the B-2 District.

- a Applicants for a conditional use permit for a commercial recreational facility (outdoor) must submit detailed development plans with time tables and necessary bonding to insure performance.

28 Community living arrangements having 9 but not more than 15 persons and in conformance with all state statutory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 Districts.

- a A report and license from the Department of Health and Social Services relating to the suitability of the premises for use as a community living arrangement shall accompany the application for a conditional use permit. The loss of any license shall operate as an automatic revocation of the conditional use permit. Permits shall not be transferable to another location or holder without approval of the committee.
- b The applicant for a conditional use permit for a community living arrangement shall state on his application the purpose for the community living arrangement, the type of individuals that will reside on the premises and the plan

for supervising and administering to the needs of the residents.

- c There shall be continuous 24 hour a day supervision for the residents in the community living arrangement facility.
 - d There shall be one off-street parking facility for every four residents in the facility.
 - e The owner and supervisors for the facility shall appear before the Land Use Committee in person. (11/5/84)
 - f Noises and disturbances such as loud music which may be heard on adjoining property shall be prohibited after 10:00 p.m.
 - g Unless greater restrictions are set by the State of Wisconsin, there shall be not more than three residents per 120 square feet of bedroom living area.
 - h The premises shall be located on a sanitary sewer.
 - i The premises shall be located on a minimum of one acre of land.
 - j Where a city, town or village has passed an ordinance pursuant to Wisconsin Statute section 59.97(15)(a) and (b), the location and number of such community living arrangement shall be in conformance with such ordinance.
- 29 Community living arrangements for 9 or more persons and which are in conformance with all state statutory requirements in the R-9, R-10, and R-11 Districts.
- a Those requirements set forth for the granting of the conditional use permit for a community living arrangement having nine but not more than 15 persons and in conformance with all state statutory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 Districts shall be complied with.
- 30 Concrete and Asphalt Batch Plants in the M-1, M-2 and M-3 Districts.
- a Federal and state air quality standards shall be complied with.
 - b Conditions may be set with respect to hours of operation and ingress and egress to the premises.
 - c The premises shall be properly secured.
- 31 Concrete and Asphalt Batch Plants temporarily located on a parcel in the A-1, A-2, A-3, A-4, B-2 and B-4 Districts.
- a Federal and state air quality standards shall be complied with.

- b Special consideration shall be given to the hours of operation and traffic patterns including ingress and egress.
- 32 Contractor storage yards in the M-2 District.
 - a The property shall be fenced with a six foot high solid fence and shall also have a permanent evergreen shrub and tree plantings along said fence. In addition, a landscape plan shall be submitted to the Land Use Committee for approval. (11/5/84)
- 32a Conversion of a resort into a residential condominium in the PR-1 District, provided that: (8/15/89)
 - a All structures shall comply with local building codes. (8/15/89)
 - b The condominium declaration shall be submitted with the conditional use permit application and shall be made part of the permanent review file. (8/15/89)
 - c The applicant shall submit a condominium plat showing how the property will be divided and identifying areas of common ownership. All relevant plat restrictions shall be shown on the face of the plat. Upon approval of the condominium plat, the plat shall be recorded with the Kenosha County Register of Deeds and a copy of the plat shall be made part of the permanent review file for the conditional use. (8/15/89)
 - d The Kenosha County Land Use Committee shall specify the permitted dwelling sizes, dwelling height, setback, side yards, rear yard, and shore yard of the resort/condominium conversion and shall make such determinations a part of the permanent file. (8/15/89)
 - e Additions and modifications to the converted condominium shall conform to the lot area, building bulk, and yard requirements of the R-10 District and shall be considered a new conditional use. (8/15/89)
- 33 Repealed (8/20/91)
- 34 Drive-in theaters in the B-3 District.
 - a The site shall contain at least ten (10) acres.
 - b The site shall have a direct access to federal, state or county highways.
 - c All structures, viewing areas and seating areas shall be set back at least one hundred (100) feet from any street or boundary line.
 - d All parking areas and access ways shall be adequately lighted provided, however, that such lighting shall be shielded to prevent

glare or reflection onto neighboring properties or public streets.

- e The following accessory uses may be permitted as incidental to, and limited to patrons of the principal use:
 - 1) An amusement park, kiddyland
 - 2) Refreshment stands or booths
 - 3) Souvenir stands or booths
- f Special attention shall be paid to traffic patterns and methods of ingress and egress along with internal roadways.
- g For any drive-in theater, the viewing area shall be screened in such a manner that it cannot be observed from any public right-of-way. In addition thereto, off-street space for automobiles of patrons awaiting admission to the theater shall be equal to thirty (30) per cent of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.

35 Dye in the M-2 District.

- a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

36 Earth movements in Shoreland areas. (See section 12.18-3 of this ordinance.)

37 Electric and steam generating plants in the M-2 District.

- a The plan of operation and impact statement shall be submitted to the Land Use Committee for review. (11/5/84)
- b All necessary state and federal permits shall be filed with the Land Use Committee. (11/5/84)
- c The plan for the transportation, storage and disposal of fuels and waste shall be presented to the Land Use Committee for review, consideration and approval. (11/5/84)
- d All security measures for the proposed electric and steam generating plants shall be reviewed by the Land Use Committee so as to insure proper and complete security measures. (11/5/84)
- e All federal and state pollution guidelines and the performance standards set forth in this ordinance shall be complied with.
- f In the event that said generating plants make use of nuclear fuels, the generating plant shall be located not closer than ten miles to the boundaries of any city or village; furthermore, no conditional use permit for the

construction of a nuclear generating plant shall be issued without the presentation of an evacuation plan for county residents.

- 38 Flea markets, where two or more wholesalers or retailers pay a consideration to the property owner for use of the site, in the B-1, B-2, B-3, B-4, M-1 and M-2 Districts.
- 39 Fertilizer production, sales, storage, mixing and blending in the A-3 and M-2 Districts.
- a The site shall contain at least five acres.
 - b A plan of operation shall be submitted along with a site plan.
 - c Storage of fertilizer shall be at least 150 feet from any property boundary line.
 - d There shall be compliance with all federal and state pollution guidelines.
 - e No storage shall be closer than 300 feet to any navigable stream.
 - f All parcels shall be at least 100 feet away from any residential structure.
 - g A performance bond insuring compliance with all pollution laws shall be required.
 - h The facilities shall be properly and securely locked or fenced.
- 40 Filling as authorized by the Wisconsin Department of Natural Resources and United States Army Corp. of Engineers to permit the establishment of approved bulkhead lines in the FPO District.
- a Those requirements set forth for the granting of a conditional use permit for bridges and approaches shall be complied with.
- 41 Forges in the M-2 District.
- a A site plan and plan of operation shall be presented to the Land Use Committee. (11/5/84)
 - b Performance bonds shall be required guaranteeing compliance with all federal and state pollution control guidelines.
 - c Open storage of materials shall be enclosed within a solid fence.
- 42 Foundries in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.
- 43 Freight terminals in the M-1 and M-2 Districts.

- a The site shall contain a minimum of at least five acres.
 - b All vehicle repairs shall be indoors.
 - c A site plan and plan of operation shall be presented to the Land Use Committee along with a plan for the storage of fuels and combustible materials. (11/5/84)
 - d Storage of junk parts shall not be permitted on the site.
 - e Salvaging operations shall not be permitted on the site.
 - f All transfer of products shall be done at a loading dock facility.
 - g Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete or asphalt and shall be adequately lit.
 - h A storm water drainage plan prepared by certified engineers shall be submitted to the Land Use Committee for approval. (11/5/84)
 - i The site shall be fenced and secured.
 - j Outdoor lighting shall not be permitted to shine on neighboring property.
 - k Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 44 Freight terminals, yards and trans shipment depots and related equipment storage and maintenance facilities in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.
- 45 Fuel in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for chemicals in the M-2 District shall be complied with.
- 46 Garbage Incinerators in the M-4 District. (8/20/91)
- a A site plan and plan of operation together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment shall be submitted to the Land Use Committee. No hazardous wastes shall be disposed of in a garbage incinerator.

The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall

be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than \$25,000 shall be provided to guarantee payment for the review.

- b All federal and/or state licenses shall be presented to the Land Use Committee. (11/5/84)
 - c A performance bond guaranteeing compliance with all federal and state pollution guidelines and the performance standards set forth in this ordinance shall be required.
 - d There shall be no outside storage of refuse unless it is contained within vermin-proof containers.
 - e Scrap yard operations shall not be permitted on the premises.
 - f A security plan shall be presented to the Land Use Committee for approval. (11/5/84)
 - g Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 47 Gas and electric utility uses not requiring authorization under Wisconsin Statutes section 196.491 in the A-1 and A-4 Districts.
- a All such uses shall be properly fenced and secured for protection against vandalism.
- 48 Gasohol and fuel related alcohol plants in the A-3 and M-2 Districts.
- a Those requirements set forth for the granting of a conditional use permit for the manufacture and production of chemicals in the M-2 District shall be complied with.
- 49 Gasoline service stations in the B-1, B-2, B-3, and B-4 Districts.
- a A detailed site plan shall be submitted showing all structures and their distances including canopies, pump islands, lightpoles, tower signs, storage tank locations, etc.
 - b All canopy posts shall be at least 30 feet from any property line. No canopy shall exceed 20 feet in height.
 - c Canopies shall not be permitted to overhang past the property line.
 - d All pumps shall be set back at least 30 feet from any property line.
 - e Gasoline service stations for semi-trailers shall have their ingress and egress located in such a fashion as to give due regard to topog-

raphy and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

50 Golf courses in the PR-1 District.

- a A detailed site plan and plan of operation shall be submitted to the Land Use Committee. (11/5/84)
- b Adequate sanitary facilities shall be provided.
- c A storm drainage plan prepared by certified engineers shall be presented to the Land Use Committee for approval. (11/5/84)
- d Fairways shall be located in such a fashion as to avoid golf balls being driven outside of the property boundary lines.
- e Those courses to be located in primary environmental corridors shall not be granted a conditional use permit unless a conservation plan has been presented to the Land Use Committee for review and approval. (11/5/84)
- f The following accessory uses may be permitted:
 - 1) Country club
 - 2) Restaurant
 - 3) Pro shop facility
 - 4) Tennis courts
 - 5) Ice skating rinks
 - 6) Swimming pools
- g The site shall contain a minimum of at least 80 acres.
- h Those golf courses located in floodplain areas shall not be permitted to have structures located thereon.

51 Golf driving ranges in the PR-1 District

- a The site shall contain at least ten (10) acres and shall be of such a configuration as to permit a minimum driving distance of three hundred (300) yards from each proposed tee, exclusive of the required buffered area.
- b A site plan shall be submitted showing the layout of the property with all fairways, roughs, greens, structures, parking, fencing and indigenous materials.
- c The golf driving range shall maintain a seventy-five (75) foot front yard and a one hundred fifty (150) foot side yard setback. The site shall be buffered by indigenous materials and fencing to minimize the impact upon adjoining properties.
- d Toilet facilities for use by patrons shall be provided. Such facilities shall be approved by appropriate health authorities.

- e A minimum of one off-street parking space shall be provided for each driving tee proposed on the site. If other accessory uses are provided, such as a miniature golf course or batting cage, a minimum of one additional parking space shall be provided for each hole of the miniature golf course or for each station in each batting cage, etc.
 - f All parking areas shall be kept in a dust-free condition, such as by oiling or by spraying with calcium chloride.
 - g Accessory use permits shall be limited to a refreshment stand, a maintenance shed, a miniature golf course, batting cage and a pro shop. In consideration of golf driving ranges, additional conditions necessary to minimize the impact upon adjacent land uses may be imposed.
 - h Night lighting shall be provided for all parking areas and no night lighting shall be permitted to shine on adjoining property.
 - i The hours of operation may be limited by the Land Use Committee. (11/5/84)
 - j The driving range shall be situated in such a fashion that the safety of adjoining residences and nearby traffic is safeguarded against stray balls.
- 51a Hazardous waste warehousing and transfer stations in the M-4 Sanitary Landfill and Hazardous Waste Disposal District. (8/20/91)
- a A plan of operation shall be submitted to the Land Use Committee together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha County Office of Emergency Government. The method of storage and/or transfer of materials shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Land Use Committee shall also be informed as to the potential hazards of the materials to be stored or transported.
- The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than \$25,000 shall be provided to guarantee payment for the review.
- b A detailed site plan shall be presented to the Land Use Committee which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a

parking plan; a site drainage plan; and a landscaping plan.

- c A fire prevention and fire protection plan shall be presented to the Land Use Committee for review and consideration.
- d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what materials will be disposed of, where and by what means they will be disposed, and the potential hazards of material disposal.
- e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Land Use Committee for review and consideration.
- f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha County Office of Emergency Services.
- g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- h No hazardous waste storage or transfer facility shall be located closer than 2,500 feet from a residential district or use, 2,500 feet from a navigable body of water, or within a floodplain. No hazardous waste storage or transfer facility shall be located closer than 5,000 feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- i A performance bond shall be required by the Land Use Committee so as to insure compliance with the conditions imposed by the Land Use Committee. Such bond shall also cover County monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.
- j The County shall be permitted access to the plant at all times for purposes of inspection of operations and records.
- k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two years by the Land Use Committee after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.

- 1 Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facia evidence of a violation of the conditional use permit and grounds for revocation of the permit.
- m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha County Board of Supervisors.
- 52 Household Stables in the R-1 District.
 - a Town board approval shall be required prior to the issuance of a conditional use permit for a household stable. The stable shall be in compliance with township standards.
 - b No household stable shall be located closer than 100 feet from any off premise neighboring residential buildings. Manure piles shall be disbursed or removed in accordance with accepted sanitary practice.
- 53 Housing for farm laborers in the A-1 and A-4 Districts.
 - a A site plan shall be submitted to the Land Use Committee. (11/5/84)
 - b Not more than one dwelling for farm laborers shall be permitted per farm.
 - c The conditional use shall be permitted only so long as the occupants of said dwelling are primarily engaged in farm labor on the farm on which the dwelling is located.
- 54 Housing for seasonal or migratory farm workers in the A-1 and A-4 Districts.
 - a Those requirements set forth for the granting of the conditional use permit for housing for farm laborers in the A-1 and A-4 Districts shall be complied with.
- 55 Housing for the elderly in the R-11 District.
 - a A site plan shall be submitted to the Land Use Committee. (11/5/84)
 - b Not more than 20 units per acre shall be permitted.
 - c Adequate lighting on walkways, driveways, and parking areas shall be required.
- 56 Insulating materials in the M-2 District.
 - a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 57 Kennels (commercial or non-commercial) in the A-2 District.

- a Those requirements set forth for the granting of a conditional use permit for animal hospitals, shelters and kennels and veterinary services in the B-2 District shall be complied with.
- 58 Laboratories in the M-2 District.
- a The site shall contain a minimum of two acres.
 - b A plan of operation shall be submitted to the Land Use Committee along with a plan for the storage and disposal of chemicals and other hazardous materials. The Land Use Committee shall also be informed as to the potential hazards and general areas of experimentation. Furthermore, in the event that those general areas of experimentation are later changed, the Land Use Committee shall be so informed. (11/5/84)
 - c A fire prevention and protection plan, along with a security plan for the premises shall be presented to the Land Use Committee for review and consideration. (11/5/84)
 - d A performance bond may be required by the Land Use Committee so as to insure compliance with the conditions imposed by the Land Use Committee. (11/5/84)
- 59 Lacquer, paint, stain, varnish and allied products in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 60 Livestock sales facilities in the A-3 and M-2 Districts.
- a The site shall contain a minimum of five acres.
 - b A detailed site plan shall be submitted to the Land Use Committee showing all buildings and distances between said buildings. (11/5/84)
 - c A traffic plan showing ingress and egress for trucks using said facility shall be submitted to the Land Use Committee. (11/5/84)
 - d A plan of operation including hours of operation shall be submitted to the Land Use Committee. (11/5/84)
 - e A plan shall be submitted to the Land Use Committee setting forth proper removal and disposal of all animal waste. (11/5/84)
 - f This facility shall be for the primary purpose of the sale of livestock and livestock shall not be kept in this facility for more than 48 hours after delivery.

- g All buildings housing livestock shall be 500 feet from any property boundary line.
 - h A detailed storm water drainage plan between all buildings and livestock areas shall be presented to the Land Use Committee. (11/5/84)
- 61 Living quarters for watchmen and caretakers in the M-2 District.
- a A site plan shall be presented to the Land Use Committee. (11/5/84)
 - b Not more than one such living quarters shall be permitted per parcel.
 - c Said living quarters shall not exceed 1,000 square feet.
 - d Said conditional use permit terminates at such time as the aforementioned quarters are no longer used as living quarters for watchmen or caretakers.
- 62 Lubricating oils and greases in the M-2 District
- a The requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 63 Malt production in the A-3, M-1 and M-2 Districts.
- a A site plan and plan of operation shall be presented to the Land Use Committee. (11/5/84)
 - b Increased performance standards relating to odors may be required by the Land Use Committee. (11/5/84)
- 64 Manufacturing of cement or concrete products in the M-3 District.
- a The site shall not be closer than 300 feet to any navigable water.
 - b The following plans shall be submitted to the Land Use Committee: site plan, traffic flow plan, security plan, plan of operation, and environmental protection plan. (11/5/84)
 - c Increased performance standards may be required by the Land Use Committee along with a performance bond to insure compliance with the conditions set forth by the Land Use Committee for the issuance of a conditional use permit. (11/5/84)
- 65 Manufacturing of lime, gypsum or plaster of paris in the M-3 District.
- a Those requirements set forth for the granting of a conditional use permit for the manufac-

turing of cement or concrete products in the M-3 District shall be complied with.

- 66 Manufacturing, processing and storage of building materials, explosives, dry ice, fat, flammables, glue, grains, grease, lard, plastic, radioactive materials, shellac, soap, tires, turpentine, vinegar, and yeast in the M-2 District
- a Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.
 - b A report shall be filed with the Land Use Committee indicating the type of materials to be manufactured, processed or stored on the site and the potential hazards and dangers incurred in the manufacturing, processing and storage of said materials. (11/5/84)
- 66a Manufacture of substances where EPA certified priority pollutants such as Naphthalene, Phenols, and Polychlorinated Biphenyls (PCB's) may be a by-product of such operation in the M-4 Sanitary Landfill and Hazardous Waste Disposal District. (8/20/91)
- a A plan of operation shall be submitted to the Land Use Committee together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha County Office of Emergency Government. Any storage of products manufactured shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Land Use Committee shall also be informed as to the potential hazards of the materials to be stored or transported.

The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than \$25,000 shall be provided to guarantee payment for the review.
 - b A detailed site plan shall be presented to the Land Use Committee which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.
 - c A fire prevention and fire protection plan shall be presented to the Land Use Committee for review and consideration.
 - d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall

identify what manufacturing wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of manufacturing waste disposal.

- e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Land Use Committee for review and consideration.
- f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha County Office of Emergency Services.
- g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- h No carcinogen manufacturing operation shall be located closer than 2,500 feet from a residential district or use, 2,500 feet from a navigable body of water, or within a floodplain. No carcinogen manufacturing operation shall be located closer than 5,000 feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- i A performance bond shall be required by the Land Use Committee so as to insure compliance with the conditions imposed by the Land Use Committee. Such bond shall also cover County monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.
- j The County shall be permitted access to the plant at all times for purposes of inspection of operations and records.
- k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two years by the Land Use Committee after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.
- l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
- m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha County Board of Supervisors.

- 67 **Marinas in the FPO District**
- a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
 - b A detailed site plan, plan of operation and environmental protection plan shall be presented to the Land Use Committee. (11/5/84)
 - c Increased performance standards may be required by the Land Use Committee along with performance bonds to insure compliance with the conditions set forth by the Land Use Committee. (11/5/84)
- 68 **Marinas and marine sales and service in the PR-1 District.**
- a A detailed site plan and plan of operation shall be presented to the Land Use Committee. (11/5/84)
 - b A plan for the storage of fuels and other combustible matter shall be presented to the Land Use Committee. (11/5/84)
- 69 **Marine sales and service in the B-3 District.**
- a Those requirements set forth for the granting of a conditional use permit for marinas and marine sales and service in the PR-1 District shall be complied with.
- 70 **Meat packing, slaughterhouse and production of sausages and other meat products in the A-3 and M-2 Districts.**
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
 - b No permit shall be issued unless all operations are conducted within an enclosed building.
- 70a **Medical waste incinerators and medical waste processing facilities in the M-4 Sanitary Landfill and Hazardous Waste Disposal District. (8/20/91)**
- a A plan of operation shall be submitted to the Land Use Committee together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha County Office of Emergency Government. Any storage of medical wastes or other hazardous wastes shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Land Use Committee shall also be informed as to the potential

hazards of the materials to be stored or transported.

The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than \$25,000 shall be provided to guarantee payment for the review.

- b A detailed site plan shall be presented to the Land Use Committee which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.
- c A fire prevention and fire protection plan shall be presented to the Land Use Committee for review and consideration.
- d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what medical and hazardous wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of said waste disposal.
- e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Land Use Committee for review and consideration.
- f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha County Office of Emergency Services.
- g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- h No medical waste incinerator or medical waste reduction facility shall be located closer than 2,500 feet from a residential district or use, 2,500 feet from a navigable body of water, or within a floodplain. No medical waste incinerator or medical waste reduction facility shall be located closer than 5,000 feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- i A performance bond shall be required by the Land Use Committee so as to insure compliance with the conditions imposed by the Land Use Committee. Such bond shall also cover County monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional

discharge of an environmentally hazardous substance.

- j The County shall be permitted access to the plant at all times for purposes of inspection of operations and records.
 - k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two years by the Land Use Committee after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.
 - l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facia evidence of a violation of the conditional use permit and grounds for revocation of the permit.
 - m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha County Board of Supervisors.
- 71 Millwork, lumberyards, sawmills and planing mills in the M-1 and M-2 Districts.
- a A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Land Use Committee. (11/5/84)
- 72 Mini-bike trails in the PR-1 District.
- a A detailed site plan and plan of operation shall be presented to the Land Use Committee. (11/5/84)
 - b A safety plan shall be presented to the Land Use Committee indicating speed limits and the posting thereof along with other warning and cautionary signs. (11/5/84)
- 73 Mining or extraction of rock, slate, gravel, sand, topsoil and other minerals in the M-3 District.
- a An application for extractive operations shall be accompanied by a map, drawn at a scale of one (1) inch equals one hundred (100) feet showing the following:
 - 1) Existing topography at two (2) foot contour intervals;
 - 2) Locations of water courses and drainage systems;
 - 3) An outline of the area to be excavated at two (2) foot contour intervals
 - b An additional map shown at a scale of one (1) inch equals one hundred (100) feet shall show a general plan for proposed operations and rehabilitation of the site including the following:
 - 1) The locations of proposed water courses and drainage systems, including lakes, ponds, and retention areas;

- 2) The sequence of operations and the schedule of rehabilitation measures;
- 3) The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products;
- 4) The proposed locations of any buildings, scale-house, equipment storage areas, and equipment repair sheds or areas.

c The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions:

- 1) Excavation shall not take place within 200 feet of any street or property line;
- 2) Buildings, structures and storage and repair areas, parking areas and stock piles shall be at least 100 feet from any street or property line;
- 3) Accessways and roads shall be maintained in a dust free condition either by oiling or by spraying with calcium chloride;
- 4) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table of surrounding properties.
- 5) No excavation, removal or fill shall be permitted if the finished conditions would contain the following:
 - a) Deep pits having side slopes of greater than thirty (30) degrees;
 - b) Serious on-site erosion problems or erosion problems which could extend to neighboring properties;
 - c) Undrained depressions other than artificial lakes, or drainage problems which adversely affect neighboring properties.
- 6) After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six (6) inches (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

d A corporate surety bond shall be furnished to the County to assure compliance with the approved rehabilitation map and plan. The bond shall be in an amount to be determined by the committee sufficient to cover twice the projected expenses of such rehabilitation at the time that the rehabilitation is to occur

according to the plan of the applicant. A termination date for the completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimated length of time the operation will be necessary.

- e An additional bond shall be furnished to the County to insure against possible road damage to nearby roads due to heavy trafficking of materials.
- f The application for a conditional use permit for extractive industries in the M-3 District shall be made by the property owner or long-term lessee, either of whom shall be directly responsible for the operation of the quarry or related activity. The application shall include a plat survey of the proposed site and an adequate description of the operational methods, including hours of operation; a list of equipment, machinery, and structures to be used; the source, quantity and disposition of water to be used, a topographic map of the site showing existing contours with a minimum vertical of five (5) feet; trees; proposed and existing access roads; the depth of all existing and proposed excavations and a restoration plan.
- g The restoration plan provided by the applicant shall contain proposed contours after filling or restoration, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the county's inspection and administration costs. The applicant and/or owner of the land from which the mineral, gravel, sand, rocks, slate, or topsoil is being removed or extracted shall furnish the necessary sureties in accordance with subsection 73 d, which will enable the county to perform the planned restoration of the site in the event of default by the applicant. The amount of sureties shall be based upon cost estimates prepared by the Kenosha County Land Use Committee or its agents, and the form and type of such sureties shall be approved by the Kenosha County Corporation Counsel. (11/5/84)
- h A list of all equipment used in the operation shall be presented to the Land Use Committee and the applicant for the conditional use permit shall be responsible for updating that list when changes are made in the equipment located on the site. (11/5/84)
- i The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon an application for a period of an additional two years by the Land Use Committee upon review of the performance of the operations. Modifications or additional conditions may be imposed upon application for

renewal including an increase in the amount of any surety bond. (11/5/84)

- j All applicable provisions set forth in the Federal Mining and Safety Act shall be complied with.

74 Mobile Home Parks in the R-12 District

- a The requirements set forth in Chapter HSS 177 of the Wisconsin Administrative Code and amendments thereto shall be complied with.
- b The minimum park size shall be ten (10) acres.
- c Minimum park width shall be Four Hundred Fifty (450) feet
- d The maximum number of mobile home sites shall be 8 per gross acre and shall be supplied by community water facilities.
- e The minimum open space provided shall be twenty percent of the development area, exclusive of streets.
- f The minimum lot area for a single module mobile home shall be 5,000 square feet. The mobile home lot shall be a minimum of 50 feet in width.
- g The minimum lot area for a double module mobile home shall be 6,000 square feet. The mobile home lot shall be a minimum of 60 feet in width.
- h The minimum setback for a mobile home park shall be 65 feet from the right-of-way line of a state trunk or county trunk highway and 45 feet from all other roads.
- i The minimum distance between mobile home units and all other exterior park lot lines shall be 45 feet.
- j the minimum distance between mobile home and internal service roads shall be 20 feet.
- k The minimum distance between mobile home trailers shall be 20 feet.
- l All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two (2) parking spaces for each mobile home. All public or private roadways shall have a minimum road right-of-way of 66 feet and shall meet all town standards for road construction.
- m All mobile homes shall be securely anchored to the ground so as to minimize storm damage.
- n No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance

equipment storage, and one (1) office are permitted as long as it is related to the general operations of the park.

- o Each mobile home park shall be completely enclosed, except for permitted entrances and exits by:
 - 1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and
 - 2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

- p All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association and any other requirements set forth by the Wisconsin Statutes of Wisconsin Administrative Code.

- q No mobile home site shall be rented for a period of less than 30 days.

- r The mobile home park shall meet the requirements of all local ordinances and State administrative rules regarding mobile homes and mobile home parks and in the event of a conflict between said ordinances, statutes or rules, the more restrictive requirement shall be complied with.

- s Copies of all licenses required by section 66.058 of the Wisconsin Statutes shall be obtained and presented to the committee for review.

75 Model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts.

- a Models may be located in all new subdivisions for a period not to exceed three years from the date of issuance of a zoning permit.

- b Models shall not be used as a real estate office other than incidental to showing the model dwelling.

- c Models shall be designed in such manner as they will blend with existing neighborhood environments.

- d Models shall not be opened beyond 9:00 p.m.

- e One sign shall be permitted provided, however, that it is no larger than four feet by six feet and provided further that in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.

- f Proper exterior maintenance of the property shall be provided such as maintaining the lawn and yard, removal of snow, etc.
 - g Models shall be completely landscaped and have a paved driveway within one year from the date of issuance of the zoning permit.
 - h No parking lots shall be created that would not normally be found in a single family development.
 - i Sufficient parking shall be provided on subdivision roads and in model home driveways, but in no case shall the parking be allowed on any federal, state, county or town highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.
 - j In those cases where five or more homes are developed into a "parade of homes", the developer shall provided sufficient temporary off-street parking for the duration of the exhibit. This parking need not, however, be paved or graveled.
- 76 Model mobile home and related temporary real estate sales office located within the model unit in the R-12 District.
- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.
- 77 Model single family home and related temporary real estate sales office located within the model unit in the R-1 and R-2 Districts..
- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.
- 78 Model single family homes and model single family condominiums and related temporary real estate sales office located within the model unit in the R-3, R-4 and R-5 Districts.
- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.
- 79 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit in the R-7 and R-8 Districts.

- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.
- 80 Motor freight in the M-2 District
- a Those requirements set forth for the issuance of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.
- 81 Multiple family dwellings in the R-9, R-10, and R-11 Districts. (2/18/92)
- a In the R-9 District, dwellings containing between four and eight units per structure shall not be located closer than three hundred feet to any parcel of land zoned for a single family residence.
 - b Additionally, all applicants for developments of multiple-family dwellings in the R-9, R-10, or R-11 Districts shall submit an application substantially complying with Section 12.26-4(h) of this Ordinance, which shall be reviewed pursuant to conditional use procedures and according to the additional standards contained in Section 12.26-4(k)1.a. to d.
- 82 Municipal Water Supply and Sanitary Sewage Systems in the FPO District
- a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.
 - b The system must be floodproofed to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, and be designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Office of Planning and Zoning and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood level for the particular stream reach.
- 83 Navigational structures in the FPO District.
- a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- 83a Nonresidential Buildings may be constructed and maintained in the C-1 and C-3 District, provided that: (11/5/86)

- a The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - b The building cannot, as a practical matter, be located outside the wetland;
 - c Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 - d Only limited filling or excavating necessary to provide structural support for the building is authorized.
- 84 Offal in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- 85 Outside storage and manufacturing in the M-2 District.
- a All outside storage and manufacturing areas a minimum of 300 feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six feet; screen plantings may be required around the perimeter of the district where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.
 - b A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous material.
 - c Lighting shall be required for the storage and manufacturing areas provided, however, that the glare from said lighting does not shine on adjoining properties.
- 86 Packing and crating services in the M-1 and M-2 Districts.
- a All transfer of products shall be done at a loading dock facility.
 - b Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete and asphalt and shall be adequately lit.
 - c A storm water drainage plan prepared by certified engineers shall be submitted to the Land Use Committee for approval. (11/5/84)
 - d The site shall be fenced and secured.

- e Outdoor lighting shall not be permitted to shine on neighboring property.
 - f Ingress and egress to the premises and the location of loading docks and storage of pallets shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 87 Park and recreational areas not including structures in the FPO District.
- a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- 87a Park and Recreation Areas (public or private), natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads in C-1 and C-3 Districts, provided that: (11/5/86)
- a Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;
 - b Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 12.29-8(b)(109a) of this Ordinance, and;
 - c Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- 88 Penal, reform, disciplinary and mental institutions in the I-1 District.
- a A statement of intent shall be filed with the Land Use Committee indicating the type of facility that is being proposed, the type of individuals to be housed in the facility along with a listing of their needs and the problems they have encountered, whether the facility is to be a maximum security facility or a minimum security facility or other such designation, the maximum number of inmates or patient that will be residing at the facility, and the number of personnel to be employed by the facility and the type of employment that each will be engaged in. (11/5/84)

- b A site plan shall be presented in detail and include therein all internal road systems and the location of all buildings and security devices.
- c A plan of operation shall be submitted setting forth the security system to be employed on the site, the number of personnel employed on each shift, fire and police protection that will be relied upon in the event of an emergency, alternate security systems and back-up systems, especially where electronic security devices are used, the type of supervision to be employed in the facility including the job descriptions and requirements for all employees, and what medical facilities will be relied upon in the event of an emergency.
- d All appropriate licenses to be issued by federal, state and/or local governing bodies or agencies shall be submitted to the Land Use Committee. (11/5/84)
- e An impact statement shall be required so as to better enable the Land Use Committee to determine the effect of such a facility on the community with such statement addressing itself to the social, economic and environmental impact on the county and addressing itself to, without limitation due to enumeration, the effect of such a facility on local and county law enforcement agencies, local and county fire protection requirements, the county court system, property values in surrounding areas, sanitation requirements, increased highway and transportation needs, employment, housing, schools, the surrounding environment, and the cost of the increase in services to county taxpayers. (11/5/84)

The aforementioned impact statement is to be prepared by a consultant chosen by the county board of supervisors and paid for by the applicant. Such impact statement shall list problems incurred by other facilities of a similar nature, be they in or outside of the state of Wisconsin.

Any problems, hazards, nuisances, danger, harm, noxiousness or offensiveness brought out by such impact statement may be addressed by the Land Use Committee and may form the basis for additional conditions being imposed upon the applicant. (11/5/84)

- f Mindful of the dangers and hazards imposed by both fire and nuclear radiation and the proximity of Kenosha County to the Zion nuclear plant, an evacuation plan setting forth in detail the method and manner for mass evacuation in the event of an emergency shall be required. In lieu thereof, a shelter facility shall be provided on the facility to adequately service the needs of employees and residents in the event of emergency.

- g The site shall contain a minimum of 300 acres.
 - h Structures shall be at least 1500 feet from any boundary line and all structures shall be at least 2500 feet from any residential, commercial, manufacturing or other institutional district.
 - i Structures shall contain living areas of not less than 90 square feet per occupant.
 - j A solid reinforced concrete wall, at least 24 inches wide and 25 feet in height shall completely encircle all prison and penal institutions and no building may be located closer than 75 feet to said wall.
 - k Three chain link fences at least 30 feet apart shall be located outside the prison wall. Within the inner fence there shall be an electronic surveillance system between the fence and the prison wall and between all chain link fences there shall be spread out on the ground three foot diameter coils of barbed steel tape for maximum security institutions.
 - l The grounds and all areas within the aforementioned chain link fences shall be adequately lit at night and an emergency electrical generation station shall be provided for in the event of an emergency.
 - m The facility shall be on public sewer and water.
 - n The street frontage shall be landscaped in such a manner as to achieve a height of ten feet or more by way of a temporary planting of fast growing material and shall also provide for a permanent evergreen planting, the individual trees to be of such number and so arranged that within ten years, they will have formed a dense screen, with such permanent planting growing or being maintained to a height of not less than ten feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.
 - o In the case of mental institutions, or in the case of juvenile detention facilities, minimum security, penal institutions, and reformatories, the aforementioned conditions may be modified as deemed appropriate by the Land Use Committee. (11/5/84)
- 89 Pet kennels---(see Kennels)
- 90 Petroleum bulk stations and terminals in the M-1 and M-2 Districts.
- s A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.

- b The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Land Use Committee for review, consideration and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises. (11/5/84)
 - c No storage shall be permitted within 300 feet of any shoreland or floodplain.
 - d A statement of intent shall be filed with the Land Use Committee indicating the type of fuels to be stored and the manner of storage. In the event of subsequent modification of the type of materials or manner for storing materials, the aforementioned plan shall be updated. (11/5/84)
 - e All federal and state pollution guidelines shall be complied with.
 - f All federal, state and local permits shall be filed with the Land Use Committee. (11/5/84)
 - g A detailed drainage plan, traffic plan and loading plan shall be presented to the Land Use Committee along with the location of any pipelines. (11/5/84)
 - h Storage shall not be permitted closer than 1500 feet to any residential, commercial, industrial or institutional district.
- 91 Plastic materials and synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 92 Poison in the M-4 District. (8/20/91)
- a Those requirements set forth for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 93 Power and heat generating plants in the M-2 and I-1 Districts.
- a The issuance of a conditional use permit for electrical and steam generating plants in the M-2 District shall be complied with.
 - b An impact statement may be required by the Land Use Committee setting forth the economic, social and environmental impact of such a project on the community. (11/5/84)
- 93a Processing and packaging of animal bedding in the A-3 District. (8/20/91)

- a A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Land Use Committee.
 - b Bedding materials may be processed from straw, hay, or other natural bedding materials; or may be processed from recycled paper or cardboard, or wood shavings.
 - c Recycling of other materials; or recycling to create a product other than animal bedding shall be prohibited.
 - d No outside storage of bedding materials or processing waste shall be permitted on the site.
- 94 Processing of hardwood dimension, flooring, veneer and plywood in the M-1 and M-2 Districts.
- a A detailed site plan and plan of operation shall be submitted to the Land Use Committee with said plans indicating the type of material to be stored on the premises, its location, the security to be provided on the premises including fencing and lighting. (11/5/84)
 - b Roads shall be paved or maintained in a dust-free condition.
 - c A drainage plan shall be submitted to the Land Use Committee. (11/5/84)
 - d Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 95 Production of animal and marine fats and oils in the A-3 and M-2 Districts.
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- 96 Production of shortening, table oils, margarine and other edible fats and oils in the A-3 and M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- 97 Public water measuring and control facilities done in accordance with the provisions of section NR116.17 of the Wisconsin Administrative Code in the FPO District.
- a Those requirements set forth for the granting of a conditional use permit for bridges and

approaches in the FPO District shall be complied with.

98 Railroad depots in the B-2 and I-1 Districts.

- a A detailed site plan shall be presented to the Land Use Committee and shall include the location of storage of any hazardous fuels and materials. (11/5/84)
- b A detailed plan of operation shall be presented to the Land Use Committee and shall include a plan for the security, fencing, lighting, and safety of individuals in the area. (11/5/84)
- c The depot shall be located in such a manner as to preclude trains at a stop from interfering with any motor vehicle traffic.

98a Railroad Line construction and maintenance in the C-1 and C-3 District, provided that: (11/5/86)

- a The railroad lines cannot as a practical matter be located outside of a wetland; and
- b Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

99 Railroad terminals and freight yards in the M-2 District.

- a Those requirements set forth for the granting of a conditional use permit for railroad depots in the B-2 and I-1 Districts shall be complied with.
- b An impact statement may be required by the Land Use Committee detailing the impact of such terminal or freight yard on other properties in the general area. (11/5/84)
- c All outside storage of material shall be securely fenced.
- d Repairs of cars and locomotives shall be indoors.
- e Storage of junk parts shall not be permitted on the site.
- f Salvaging operations shall not be permitted on the site.
- g Internal roads, parking and loading areas shall be paved with dust free materials, such as concrete or asphalt or oiled so as to keep the area in a dust free condition.
- h A storm water drainage plan prepared by a certified engineer shall be submitted to the Land Use Committee for approval. (11/5/84)

i Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

100 Recreational vehicle (RV) campground or subdivisions in the PR-1 District.

a Recreational vehicle campgrounds and subdivisions are uses of land which require a unique site and direct accessibility. Generally, sites should be of such character that they are naturally well-screened by existing natural planting which affords primary seclusion. The use of lands for recreational vehicle parks inherently expresses the fact of minimum impact upon adjoining land uses. The express concern of an adequate site and direct accessibility from major thoroughfares are important factors which shall be considered in site selection and the final determination of an acceptable site for a recreational vehicle campground or subdivision.

b The site shall contain at least twenty (20) acres and have an average width of at least three hundred (300) feet.

c The site shall have direct access to a federal, state or county highway.

d A site plan of one inch equals 100 feet, showing all improved lots, unimproved lots, structures, parking areas, roads, walkways, recreational areas and other service facilities shall accompany the application.

e A preliminary drainage and utility plan shall be in compliance with the on-site detention regulation.

f Each recreational vehicle campground or subdivision shall be completely enclosed, except for permitted entrances and exits by:

1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and

2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

g When the recreational vehicle campground or subdivision ceases to operate, accessory uses shall immediately cease.

h The development may be developed for sale or rental, or may be developed as a condominium pursuant to Chapter 703 of the Wisconsin Statutes and amendments thereto.

- i RV developments shall be located on public sanitary sewer facilities except that where the development is based on rental sites and the development does not result in a permanent subdivision of land and the sale of lots or sites in fee simple absolute, said development shall be located on public sanitary sewer facilities or shall be served by a private treatment system approved by the Wisconsin Department of Natural Resources and the Wisconsin Department of Health and Social Services or Department of Industry, Labor and Human Relations--Plumbing Section, or any other applicable governing agencies.
- j RV developments shall be supplied by municipal or community water facilities or high capacity well.
- k RV developments shall, under no circumstances, in the case of recreational vehicle development as fee simple lots or RV condominiums, have a density exceeding 6.5 units per gross acre maximum and 20% of the total acreage shall be maintained in common open space areas. When a campground is developed on a basis of rental sites, such development shall, under no circumstances, have a density exceeding 12 units per gross acre maximum.
- l A general development plan for all proposed phases of development and a plan of operation shall be submitted with the application for a conditional use permit. Detailed plans shall be submitted before each phase is to be approved.
- m Developers shall submit for approval to the Kenosha County Land Use Committee before each proposed phase is to be approved a detailed landscaping plan along with a list of the type, number and size of the plantings with a time table for planting. The landscape plan must provide for sufficient screening and tree planting between individual lots or sites and between lots or sites in all common open space areas. Said landscape plan shall also be reviewed by the Kenosha County Soil Conservation Service for their recommendation with respect to minimizing soil erosion. (11/5/84)
- n All RV developments shall conform to the standards of the Kenosha County Subdivision Control Ordinance, of the Kenosha County Municipal Code as they pertain to this type of development when practicable, except that the standards of section 2.6 (Floodlands) and section 7.6 (Lots) shall not apply except as modified and provided for herein and also that modifications may be made with respect to the following items:
 - 1) Minimum lot size shall be no less than 4,000 square feet per lot with a minimum lot width of 50 feet at the road and 50 feet wide at the RV pad. Frontage requirements may vary on cul-de-

sacs, and curves with a centerline radius of 200 feet or less, provided that the lot still maintains a minimum width of 50 feet at the RV pad and a lot area of 4,000 square feet and in no case shall a lot be less than 20 feet at the street.

- 2) All public or private streets shall have a minimum right-of-way of 66 feet. Cul-de-sacs shall have a minimum radius of 60 feet.
- 3) A lot may be located on a private street provided that the street meets town standards as they may pertain to pavement width and pavement construction materials.

o An RV development may have one single family residential dwelling unit with the development when used as the caretaker facility.

p Lots within an RV development shall under no circumstances be used or combined with other lots to create a residential building site.

q All RV developments shall have extensive deed restrictions which will be furnished to the Kenosha County Land Use Committee for approval and will further be enforced by the owners through a property owners association provided for in the deed restrictions. These restrictions shall govern the use of all lots or sites, open space areas and all amenities which are to be part of the development. Where the development creates lots of fee simple absolute or condominiums on the face of the plat, it shall further state that all lots, sites, or open space areas may not be used or combined for residential, commercial or industrial development. (11/5/84)

r No more than one (1) RV vehicle shall be located on a lot or site. Where lots are developed in fee simple absolute or condominiums, additional RV spaces shall be provided in a common overflow parking area having the necessary water and sanitary sewer facilities at a ratio of one (1) space for every ten lots or sites for visitors or guests' RV vehicles. Overflow RV parking shall not be computed as part of the overall density. An RV development shall have, for both sales and rental, at least two (2) auto parking spaces per lot or site with common overflow or parking area in a ratio of one (1) space for every ten lots or sites. Tents may be permitted on RV lots or sites.

s RV developments may have major accessory structures such as clubhouses, athletic facilities, shelters, restrooms, and major storage facilities located in common open space areas or outlots provided that they meet the necessary setback requirements of this Ordinance and in addition, that setbacks of not less

than 30 feet be provided from the right-of-way of all private streets.

- t RV sites may have one (1) open deck no larger than 300 square feet in area and/or one (1) private storage building no larger than 80 square feet in area and eight (8) feet in height placed on each lot or site provided that it meets all necessary requirements as outlined in the deed restrictions which are approved by the Kenosha County Land Use Committee as it may pertain to design, dimensions and materials permitted for construction. Setbacks of not less than five (5) feet from all lot lines and 38 feet from the center line of street rights-of-way shall be provided. A zoning permit will be required for every open deck and/or storage building. Fences will only be permitted for a total development project and not for individual lots. (11/5/84)
- u RV developments may have one (1) commercial facility per development, such as a small convenience store, restaurants, snack bar, etc., located on the complex when designed for use by occupants only. Under no circumstances may this facility advertise for general street trade.
- v No RV lot or lots shall be used or converted for the use of a mobile home and/or mobile home parks.
- w RV development management shall prohibit the use of RVs that are not operable and currently licensed and further shall prohibit the use of enclosures, foundations or other means which tend to make the RV unit less mobile.
- x Additional restrictions or requirements may be imposed by the Kenosha County Land Use Committee and impact statements as deemed necessary by the Land Use Committee may be required. (11/5/84)
- y Lots in the PR-1 Park Recreational District shall provide sufficient area for the principal structure or use, and its accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not required pursuant to subsection 99 i, and required yards.
- z No building or part of a building shall exceed 35 feet in height.
- aa A minimum street yard (setback) of 65 feet from the right-of-way of all State trunk or County trunk highways, and 40 feet from all other roads shall be required.

A minimum shore yard not less than 75 feet from the high water elevation of any navigable water.

No building or structure shall be erected, placed, or moved closer than 40 feet to any other lot line.

- bb Every builder of any building hereafter erected or structurally altered in the PR-1 Park Recreational District shall, before a building permit is issued, present detailed plans and specifications of the proposed structure to the Kenosha County Land Use Committee, who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion or otherwise endanger the public health or safety, or substantially diminish or impair property values within the community. (11/5/84)
- 101 Recreational vehicle, motor home or similar large size equipment or vehicle sales involving extensive outdoor display and storage in the B-3 District.
- a Those requirements set forth for the granting of a conditional use permit for automotive sales, service and repairs in the B-2 and B-3 Districts shall be complied with.
 - b A detailed site plan and storm water drainage plan shall be submitted to the Land Use Committee for approval with said plans taking into consideration security, fencing, lighting, location of signs, and traffic and parking proposals. (11/5/84)
- 102 Recycling centers and warehousing of recovered resources in the M-2 and M-4 Districts. (8/20/91)
- a A site plan and plan of operation shall be submitted to the Land Use Committee.
 - b Reclamation of sewage sludge, food wastes, and other organic material is prohibited.
 - c Reclamation of carcinogens and other hazardous wastes is prohibited.
- 103 Refineries in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for petroleum bulk stations and terminals in the M-1 and M-2 Districts shall be complied with.
- 104 Rendering plants in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- 105 Resorts in the PR-1 District.
- a A statement of intent outlining the type of recreational activities and facilities to be

- located on the site shall be presented to the Land Use Committee. (11/5/84)
- b A detailed site plan shall be presented to the Land Use Committee along with proposals for sanitary facilities. (11/5/84)
- 106 Restaurants or taverns or cabarets (with live entertainment) in the B-3 District.
- a Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- b There shall be strict compliance with those performance standards set forth in this ordinance relating to noise, and where circumstances warrant, the performance standards in this ordinance relating to noise may be expanded.
- c There shall be strict compliance with all state and local laws relating to liquor and/or malt beverages and all local ordinances relating to cabarets.
- 107 Restaurants serving liquor in the B-1 District.
- a Those requirements set forth for the granting of a conditional use permit for restaurants or taverns or cabarets (with live entertainment) in the B-3 District shall be complied with.
- 108 Retail or Wholesale Sales of Manufactured Products on Premises in the M-1 and M-2 Districts.
- a All sales shall be in an enclosed structure separate from those structures wherein the products being sold are manufactured.
- 109 Road test facilities in the M-2 District.
- a A detailed site plan shall be presented to the Land Use Committee for approval, with said plan specifying the location for the storage of hazardous fuels. (11/5/84)
- b The site shall contain a minimum of 30 acres and there shall be a minimum setback of 400 feet from any boundary line.
- c There shall be strict compliance with the performance standards set forth in this ordinance for noise control and where circumstances warrant, the standards set forth in this ordinance for noise control may be expanded upon.
- d The Land Use Committee may restrict the hours of operation of the facility. (11/5/84)
- e Lighting shall not be permitted to shine upon adjacent property.

- f The facility shall not be used for any form of public entertainment and shall be closed to the public during road testing.
- 109a Road construction and maintenance in the C-1 and C-3 District, provided that: (11/5/86)
- a The road is necessary to the conduct of agricultural cultivation or to a silvicultural activity;
 - b The road cannot as a practical matter be located outside the wetland;
 - c The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland;
 - d The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - e Road construction activities are carried out in the immediate area of the roadbed only.
- 109b Road and driveway construction and maintenance in the C-3 District provided that: (11/5/86)
- a The road or driveway is necessary to the continuity of a planned urban street system;
 - b The road or driveway cannot as a practical matter be located outside the wetland;
 - c The road or driveway is designed and constructed to minimize adverse impact upon the natural functions of the wetland and on wetland values (See Section 12.39-2(b));
 - d The hydrologic continuity of a wetland traversed by a road or driveway shall be maintained through use of an appropriate culvert;
 - e The road or driveway is designed and constructed with the minimum cross-sectional area practical to serve the intended use. Driveways should not be wider than 12 feet, and where practical, adjacent properties should share a single access;
 - f Road and driveway construction activities are carried out in the immediate area of the roadbed only. Roads and driveways should be protected by a stable side slope of one on two (1:2);
 - g The Wisconsin Department of Natural Resources (DNR) may exercise preemptive procedures as set forth in Section 12.39-2(c) where roads or driveways may have an adverse impact upon the criteria listed in Section 12.39-2(b).
- 110 Rummage sales and flea markets (permanent) in the B-3 District.

- a The site shall be securely fenced and adequately lit at night with the provision, however, that no night lights shall be permitted to shine upon adjoining property.
 - b A site plan shall be presented to the Land Use Committee which shall delineate all sanitary facilities, fire lanes, parking, and proposed traffic routes. (11/5/84)
 - c There shall be strict compliance with the performance standards set forth in this ordinance for noise, and where circumstances warrant, stricter standards may be imposed by the Land Use Committee for noise control. (11/5/84)
 - d No permanent structure shall be permitted on the site.
 - e No camping shall be permitted on the site.
- 111 Sanitary landfill operations in the M-4 District. (8/20/91)
- a A statement of intent shall be presented to the Land Use Committee indicating the type of material that will be placed on the site and whether or not said material is deemed hazardous, and the manner in which the material is to be buried. (11/5/84)
 - b An impact statement shall be required addressing itself to the impact of the sanitary landfill operation on the surrounding environment, community, and economy.
 - c A storm water drainage and tile plan prepared by a certified engineer shall be submitted to the Land Use Committee. (11/5/84)
 - d A detailed restoration plan and time table shall be submitted to the Land Use Committee. In the alternative, the applicant may satisfy this condition by meeting the requirements of sections 144.443 and 144.444 of the Wisconsin Statutes concerning financial responsibility and transference of responsibility. Evidence of satisfying this condition may be provided to the Land Use Committee. (6/2/92)
 - e All state and/or federal licenses and permits shall be submitted to the Land Use Committee and all Federal and State laws and regulations shall be complied with. (11/5/84)
 - f The requirements set forth in the Wisconsin Administrative Code, section NR 151 (NR 180) as amended from time to time shall be complied with and the issuance of a conditional use permit shall be conditioned on such compliance.
 - g A detailed site and sanitary plan shall be presented to the Land Use Committee as well as a method of maintaining records of the source

and type of waste deposited on the site and its location and date of deposit. (11/5/84)

h Sanitary landfills shall not be permitted within 1200 feet of a residence or within a conservancy or floodplain district, nor shall such landfill be permitted within 300 feet of any shoreland area. In addition, sanitary landfills shall not be permitted within 1200 feet of any private or public water supply. To the extent that no environmental harm will occur, the Land Use Committee may grant a variance to any of the aforesaid separation requirements. (6/2/92)

i The landfill owner/operator shall post a performance bond to insure proper operation, closure and long term care of the proposed site. Compliance with Section 144.443 of the Wisconsin Statutes concerning "financial responsibility," as amended from time to time, shall satisfy this condition. (6/2/92)

An additional bond shall be furnished to the County to insure against possible road damage to nearby roads due to heavy trafficking of materials.

j Periodic inspections shall be made from time to time by the Office of Planning and Zoning Administration.

k The sanitary landfill shall be completely enclosed, except for permanent entrances and exits by either:

- 1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and
- 2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years, they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

l The conditional use permit may be revoked in accordance with the procedures set forth in section 12.29-7 of this Ordinance. (6/2/92)

m In addition, any of the applicable requirements for granting a conditional use permit for mining or extraction of rock, etc., in the M-3 District may be required.

n All Environmental Protection Agency regulations shall be complied with with respect to, but not limited to:

- 1) Contamination of ground and underground water.
- 2) Limitation of explosive gases within landfill structures.
- 3) Monitoring
- 4) Obtaining water pollution discharge permits.

- 5) Collection and treatment of leachate before discharge.
- 6) Control of rats, flies, and mosquitos.
- 7) Daily covering of waste material.
- 8) Air quality and open burning of waste except for special wastes, as for example, brush, or emergencies
- 9) Security
- 10) Availability of water or dirt to control accidental or permitted fires.
- 11) Restriction of flood waters or reduction of water storage capacity of floodplains.
- 12) Bird hazards in the vicinity of airports.
- 13) Modifications of species habitat or interference with migration.
- 14) Hazardous wastes regulations.

112 School auditoriums, gymnasiums and stadiums in the I-1 District.

- a At least one off-street parking space shall be provided for every three seats located within the auditorium, gymnasium or stadium.
- b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- c Night lighting shall not shine on adjoining property.
- d In the case of outdoor stadiums, the parking area shall be paved or maintained in a dust free condition.

113 Second single family, farm related residential dwelling in the A-1 and A-4 Districts.

- a The need for more than one single family dwelling to support and carry on the permitted or approved conditional use must be established to the satisfaction of the Kenosha County Land Use Committee before issuance of the conditional use permit. If approval is granted for a second farm dwelling, the additional dwelling shall be placed on a parcel separated from the farm parcel. (11/5/84)
- b A second farm dwelling shall provide a minimum lot area of five acres and no parcel shall be less than 300 feet in width at the highway right-of-way line. If any such aforementioned dwellings are provided with municipal sanitary sewerage services, the lot area requirement may be reduced to a minimum of 20,000 square feet and the lot width shall be not less than 125 feet. Any new five acre parcel created as described above for a second single family dwelling shall be approved only if it is located as contiguous as possible to existing lots or dwellings on the subject or adjacent ownerships.

- c The second single-family farm dwelling shall be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood, as defined in this ordinance, from farm operations on the parcel or is a parent or child of the operator of the farm.
 - d The only accessory uses permitted in conjunction with the second single family farm related residential dwelling shall be a garage or carport and home occupations.
- 114 Sewage treatment plants in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for sanitary landfill operations in the M-3 District may be required as deemed appropriate.
- 115 Ship and boat building and repair in the M-2 District.
- a A detailed site plan shall be presented.
 - b Any outside storage of material shall be securely fenced.
 - c Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 116 Skeet and trap shooting ranges in the PR-1 District.
- a Those requirements set forth for the granting of a conditional use permit for archery and firearm ranges (outdoors) in the PR-1 District shall be complied with, with the exception that all shooting shall be in the direction of targets and all targets shall be at least 750 feet from any property line and with the further exception that firing shall not be permitted directly toward or over any navigable waters, public or private roads or drives, nor toward any buildings or structures, nor toward any population concentration within 3/4 of a mile of the site where rifles are used nor more than 1 mile from the site in those cases where a shotgun (fine shot) is used.
 - b The Land Use Committee may restrict the hours of operation. (11/5/84)
 - c Lighting shall not shine on adjacent property.
 - d Proper and recognized signals shall be used in the operation of the range.
 - e A detailed site plan shall be submitted to the Land Use Committee. (11/5/84)
- 117 Ski hills with restaurants and ski shops in the PR-1 District.

- a A detailed site plan shall be submitted to the Land Use Committee. (11/5/84)
 - b An impact statement outlining the impact of the facility on adjoining properties, and the environment shall be submitted to the Land Use Committee. (11/5/84)
 - c A storm water drainage plan prepared by a certified engineer shall be presented to the Land Use Committee. (11/5/84)
 - d Night lighting shall not be permitted to shine upon adjacent property.
 - e Any use of outdoor speakers shall be in compliance with the performance standards set forth in this ordinance for noise control.
 - f Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - g Ski lifts shall not exceed 75 feet in height and shall not be located closer than 50 feet to any property line.
- 118 Smelting and refining of all metals and alloys in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.
- 119 Snowmobile trails in the PR-1 District.
- a A detailed site plan shall be presented to the Land Use Committee indicating thereon access and exit points on the trail. (11/5/84)
 - b The trail shall be posted with proper speed limits and warning signs as deemed necessary.
- 120 Repealed 11/5/86
- 121 Sportsmen clubs in the PR-1 District.
- a A detailed site plan shall be presented to the Land Use Committee. (11/5/84)
 - b The site shall be posted at least every 100 feet as a sportsmen's club.
 - c Impact statements as deemed appropriate by the Land Use Committee may be required. (11/5/84)
- 122 Stockyards in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

- b Impact statements as deemed necessary by the Land Use Committee may be required. (11/5/84)
 - c The site shall be securely fenced as deemed appropriate by the Land Use Committee. (11/5/84)
 - d A storm water drainage plan prepared by certified engineers shall be submitted to the Land Use Committee. (11/5/84)
 - e Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 123 Storage of mineral products or machinery in the M-3 District.
- a The site shall be securely fenced as deemed appropriate by the Land Use Committee. (11/5/84)
 - b A storm water drainage plan prepared by a certified engineer shall be submitted to the Land Use Committee. (11/5/84)
- 124 Storage of recreational vehicles, boats or snowmobiles in the A-1, A-2 and A-4 Districts.
- a Storage of more than two recreational vehicles and/or boats or snowmobiles shall be within an enclosed structure.
- 125 Summer theaters and amphitheaters or band shells in the PR-1 District.
- a A detailed site plan shall be submitted to the Land Use Committee along with the proposed hours of operation and seating capacity on the premises. (11/5/84)
 - b At least one off-street parking space shall be provided for every three seats located within the theater, amphitheater or band shell.
 - c The site shall have direct access to federal, state or county highways.
 - d An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the theater, amphitheater or band shell.
 - e Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - f Parking areas shall be maintained in a dust free condition and where paved, a storm water drainage plan shall be submitted to the Land Use Committee. (11/5/84)

- g Night lighting shall not be permitted to shine on adjacent property.
 - h Proposals for water and sanitation facilities and emergency services shall be reviewed by the Land Use Committee. (11/5/84)
 - i Increased performance standards with respect to noise may be required as deemed necessary.
- 126 Tanneries in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.
 - b Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - c The performance standards set forth in this ordinance as they relate to odor shall be complied with by the operator of the tannery; stricter standards may be imposed as deemed appropriate.
- 127 Taverns (with no live entertainment) in the B-1 District.
- a Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - b Performance standards set forth in this ordinance as they relate to noise control shall be complied with, and where deemed appropriate, the Land Use Committee may establish stricter performance standards relating to noise control. (11/5/84)
- 128 Truck stops, sales and service in the B-3 District.
- a A detailed site plan shall be submitted to the Land Use Committee and shall include therein the location of storage facilities for all fuels and other hazardous materials. (11/5/84)
 - b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - c All repair work shall be done within enclosed structures.
 - d All street yard, side yard and rear yard setbacks shall be at least 100 feet.

- e Night lights shall not be permitted to shine on adjacent property.
 - f All parking areas and roadways shall be maintained in a dust free condition and where paved, a storm water drainage plan shall be submitted to the Land Use Committee by a certified engineer. (11/5/84)
- 129 Utilities and substations in the M-3 District.
- a Environmental and economic impact statements shall be required by the Land Use Committee. (11/5/84)
 - b A detailed site plan shall be presented to the Land Use Committee. (11/5/84)
 - c A storm water drainage plan prepared by a certified engineer shall be presented to the Land Use Committee. (11/5/84)
 - d The site shall be securely fenced and marked with appropriate warning signs.
 - e Failure to comply with the performance standards set forth in this ordinance shall be grounds for revocation of the conditional use permit.
- 129a Utility Construction and Maintenance, including electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, in the C-1 and C-3 District, provided that: (11/5/86)
- a The transmission and distribution facilities cannot, as a practical matter, be located outside the wetland;
 - b Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.
- 130 Utility facilities (except buildings and substations) such as underground watertight conduits, telephone and electric poles, etc., constructed in conformance with section NR 116.17 of the Wisconsin Administrative Code in the FPO District, provided that: (11/5/86)
- a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- 131 Utility substations in the A-1, A-2, A-3, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, M-1, M-2, I-1 and C-2 Districts.
- a All utility substations shall be securely fenced and marked with appropriate warning signs.

- 132 Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil in the M-3 District
- a A detailed site plan shall be presented to the Land Use Committee along with a storm water drainage plan prepared by a certified engineer. (11/5/84)
 - b Impact statements as deemed appropriate by the Land Use Committee may be required. (11/5/84)
 - c Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance. Roads shall be maintained in a dust-free condition.
- 133 Water storage tanks and towers and radio and television transmitting and receiving towers, microwave relay stations in the I-1 District.
- a Towers shall not be located closer than 50 feet to any structure.
 - b All towers shall be securely anchored and lit with warning lights as deemed appropriate.
 - c All federal and state licenses shall be filed with the Planning and Zoning Administrator's office.
- 134 Water withdrawal and diversion uses in shoreland areas. (See section 12.18-6 of this ordinance)
- 134a Wildlife ponds in the C-1 District, provided that: (6/2/92)
- a Any excavating, ditching, dredging, or draining that is to be done must be necessary for such construction and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands. Any excavating, ditching, dredging, or draining shall be for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - b Wildlife ponds shall not exceed an average depth of five (5) feet and side slopes shall not exceed a gradient of one (1) foot vertical to five (5) feet horizontal.
 - c Spoils from pond construction shall not be deposited or disposed of within the C-1 District.
- 135 Wrecking, junk, demolition and scrap yards in the M-2 District.
- a Any wrecking, junk, demolition and scrap yard, or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established in this ordinance. Failure to comply

with said performance standards shall be grounds for revocation of the conditional use permit.

- b All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited.
- c Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.
- d All ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- e No wrecking, junk, demolition or scrap yard shall be located within 1000 feet of any navigable body of water or shoreland area.
- f There shall be proper and adequate control of all rodents.
- g There shall be strict compliance with section 8.04 of the Municipal Code of Kenosha County and the requirements set forth therein for motor vehicle wrecking yards.
- h A performance bond shall be required by the Land Use Committee to insure compliance with the conditions set forth by the Land Use Committee and which conditions form the basis for the granting of a conditional use permit.
(11/5/84)

A corporate surety bond shall be furnished to the County to assure compliance with the approved rehabilitation map and plan. The bond shall be in an amount to be determined by the committee sufficient to cover twice the projected expenses of such rehabilitation at the time that the rehabilitation is to occur according to the plan of the applicant. A termination date for the completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimated length of time the operation will be necessary.

An additional bond shall be furnished to the County to insure against possible road damage to nearby roads due to heavy trafficking of materials.

- i The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon an application for a period of an additional two years by the Land Use Com-

mittee upon review of the performance of the operations. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any surety bond. (11/5/84)

- j No junk yard shall be permitted to operate in violation of sections 84.31 and 175.25 of the Wisconsin Statutes. In addition, a license shall be obtained from the county clerk as prescribed by the Municipal Code of Kenosha County.

136 Zoological and botanical gardens in the PR-1 District.

- a A detailed site plan shall be presented to the Land Use Committee setting forth in detail the location of all structures, sanitary facilities, etc. (11/5/84)
- b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- c Night lights shall not be permitted to shine on adjoining or adjacent property.
- d There shall be only off-street parking provided for.
- e In the case of zoological facilities, the site shall be securely enclosed and the Land Use Committee shall review the security system to be used on the premises for the containment of animals, reptiles, etc. (11/5/84)

137 Wind energy conversion systems, commonly called "windmills", in the A-1, A-2, A-3, A-4, R-1, I-1, PR-1 and C-2 Districts.

- a The site area shall be a minimum of five (5) acres.
- b Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.
- c Wind energy conversion systems shall be constructed and anchored in such a manner to

withstand wind pressure of not less than 40 pounds per square foot in area.

- d The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- e Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- f Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this ordinance, however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- g All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- h The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.



VI. ENFORCEMENT

A. BONDS

12.30

The Land Use Committee may require that a performance bond or letter of credit be obtained for the benefit of the county and filed with the county so as to insure compliance with the terms of this ordinance or a permit. In setting the amount of the bond or letter of credit, consideration should be given to 1) the purpose of the bond or letter of credit, 2) the use to which any forfeited money is to be applied, and 3) the time when it may be applied and any increased costs due to time or inflation that may be incurred by the county in the event of noncompliance with this ordinance or the terms of a permit or that may be incurred for purposes of rehabilitation. The amount of the bond may be subject to further review. Failure to obtain or maintain such bond or letter of credit shall invalidate any permit. (11/5/84)

B. VIOLATIONS, INJUNCTION, ABATEMENT AND REMOVAL

12.31

It shall be unlawful to construct, develop or use any structure, or develop or use any land, water or air in violation of any of the provisions of this ordinance or order of the Land Use Committee or Board of Adjustment. In case of any violation, the county board of supervisors, the Corporation Counsel, the Director of Planning and Zoning, the Land Use Committee, any municipality, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate legal action or proceedings to enjoin a violation of this ordinance, or seek abatement or removal. In addition, those actions commenced on behalf of Kenosha County may seek a forfeiture or penalty as outlined herein. (11/5/84)

C. PROCEEDINGS

12.32-1

CIVIL PROCEEDINGS

Pursuant to the provisions of section 66.12 of the Wisconsin Statutes, an action for violation of a municipal ordinance is deemed a civil action. Accordingly, Chapters 801 to 847 of the Wisconsin Statutes shall apply where applicable to violations of this ordinance.

12.32-2

CORPORATION COUNSEL

The Kenosha County Corporation Counsel may in his discretion commence legal actions or proceedings as outlined above and may proceed pursuant to the proceedings outlined in Wisconsin Statutes section 66.119, 66.12, or 288.10 or pursuant to the issuance of a summons and complaint.

12.32-3

UNIFORM CITATION ORDINANCE

Pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County, citations may be issued by the Planning and Zoning Director, the Planning and Zoning Administrator, or authorized deputies.

12.32-4

SPECIAL INSPECTION WARRANTS

The provisions of Wisconsin Statutes section 66.122 and 66.123 shall govern the issuance of all special inspection warrants.

12.32-5

STATUTE OF LIMITATIONS

Pursuant to Wisconsin Statutes section 893.21(4), any action to recover a forfeiture or penalty imposed by ordinance or regulation of any county, when no other limitation is prescribed by

law, shall be commenced within two years of said violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two year period prior to the issuance of the complaint.

D. PENALTIES

12.33-1 GENERAL PENALTIES

Any person, partnership, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the Office of Planning and Zoning Administration issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10) or more than Five Hundred Dollars (\$500) and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. (1/22/85)

12.33-2 SCHEDULE OF CASH DEPOSITS FOR VIOLATIONS CHARGED UNDER 12.32-3
The cash deposit for the violation of any section or subsection of this ordinance shall be One Hundred Dollars (\$100). In addition, upon conviction, any person who has been found to have acted in violation of any of the above sections shall be liable for the costs of prosecution including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. For a second offense of a similar nature within a twelve month period, the cash deposit shall be Two Hundred and Fifty Dollars, (\$250) and for a third offense of a similar nature within a twelve month period, the cash deposit shall be Five Hundred Dollars, (\$500). (1/22/85)

E. LIENS

12.34

In addition to all other remedies available at law, pursuant to Wisconsin Statutes, section 59.97(11), authorizing the county board to prescribe rules and regulations as it may deem necessary for the enforcement of the provisions of this ordinance, judgment on convictions of violations of the terms of this ordinance wherein a forfeiture or penalty is imposed shall be filed with the Register of Deeds Office for Kenosha County and shall constitute a lien on the property and running with the property wherein the violation occurred and shall be removed only upon payment of said penalty or forfeiture. Notice of the imposition of such a lien shall be given to the defendant and prior to the filing of the lien, the defendant shall be given ten days to appeal to the court of the county in imposing such a lien on the property wherein the violation occurred. Any judgment so filed with the Register of Deeds shall note thereon the imposition of such a lien and a legal description of the property so affected. Upon satisfaction or partial satisfaction of such judgment, notice of such satisfaction or partial satisfaction shall be filed with the Register of Deeds.

VII. APPEALS

A. ADMINISTRATIVE APPEALS

12.35-1 MUNICIPAL ADMINISTRATIVE PROCEDURE

Chapter 68 of the Wisconsin Statutes, Municipal Administrative Procedure, as hereinafter modified pursuant to the authority granted in section 68.16 of the Wisconsin Statutes is hereby adopted by reference.

12.35-2 DETERMINATIONS REVIEWABLE

The following determinations are reviewable under this chapter:

- (a) The granting or denial in whole or in part after application of an initial permit, (including a conditional use permit), license, right, privilege or authority, with the exception, however, of the granting or denial of a variance or any other decision of the Board of Adjustments and with the exception of any amendment made pursuant to section 12.38 of this ordinance.
- (b) The suspension, revocation or non-renewal of an existing permit, license, right, privilege or authority.
- (c) Any decision of the historical preservation commission made pursuant to section 12.26-2 of this ordinance.
- (d) The failure to list a particular principal or accessory use in sections 12.20 through 12.26 of this ordinance or the failure to list a home occupation in section 12.09-2 of this ordinance.

12.35-3 PERSONS AGGRIEVED

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the municipality, whose rights, duties or privileges are adversely affected by a determination made pursuant to this ordinance. No department, board, commission, agency, officer, or employee of the county who is aggrieved by an administrative decision may initiate a review under this chapter of a determination of any other department, board, commission, agency, officer or employee of Kenosha County. However, said department, board, commission, agency, officer or employee may respond or intervene in a review proceeding under this chapter initiated by another.

12.35-4 WRITTEN DETERMINATIONS

If a determination that is reviewable under this section is made orally, or, if in writing, does not state the reasons therefore, the administrative authority making that determination shall, upon written request of any person aggrieved by such determination made within 10 days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of the right to have such determination reviewed, the time within which such review may be obtained, and the office or person to whom a request for review shall be addressed. For purposes of this section, an authority making a determination is defined to include the Kenosha County Board and its Land Use Committee, the Kenosha County Director of Planning and Zoning and his employees or deputies. (11/5/84)

12.35-5 PETITION FOR REVIEW

Any aggrieved person may have a written or oral determination that was previously made reviewed by:

- (a) Forwarding a written request by mail or hand delivery to the authority which made the determination within 30 days after having been advised and notified of such determination.
- (b) Including in said request for review the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed.
- (c) Requesting that the review shall be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination.

Failure to make a request as noted above to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

12.35-6

INITIAL REVIEW

- (a) The request for review made to the officer, employee, agent, agency, committee, board, commission or body who made the initial determination shall review the initial determination within 15 days of the receipt of a request for review. This time for review may be extended by written agreement with the person aggrieved.
- (b) The person aggrieved may file with the request for review or within the time agreed with the municipal authority written evidence and argument in support of the person's position with respect to the initial determination.
- (c) The authority making the initial determination may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom the notice of appeal shall be filed. Appeals from a decision shall be taken within 30 days of notice of such decision by filing with or mailing to the authority making the decision and to the Kenosha County Board of Adjustments, written notice of the appeal. The appeal shall be allowed by the Board of Adjustments, however, only where the person aggrieved did not have a hearing substantially in compliance with section 68.11 of the Wisconsin Statutes when the initial determination was made.

12.35-7

ADMINISTRATIVE APPEAL HEARING

- (a) Time of hearing. Within 15 days of the receipt of the notice of appeal filed pursuant to section 12.35-6(c) of this ordinance an administrative appeal hearing shall be held. The Kenosha County Office of Planning and Zoning Administration shall serve the appellant with notice of such hearing before the Board of Adjustments by mail or personal service at least 10 days before such hearing.
- (b) Conduct of hearing. At the hearing, the appellant and the determining authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing before the Board of Adjustments which shall make the decision on the administrative appeal. The decision maker may issue subpoenas. The hearing may employ such other procedures as deemed applicable and appropriate and as set forth in section 12.36 of this ordinance. In reviewing

decisions pursuant to section 12.35-2(e) of this ordinance dealing with similarities between intended principal and accessory uses and those provided for in the ordinance, the Board of Adjustments may make whatever use it deems advisable of the United States Government Office of Management and Budgets Standard Industrial Classification Manual in determining similarities.

- (c) Record of hearing. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Kenosha County Office of Planning and Zoning Administration.

12.35-8 FINAL DETERMINATION

Within 20 days of completion of the hearing conducted pursuant to section 12.35-7 and the filing of briefs, if any, the board of adjustments shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.

12.35-9 JUDICIAL REVIEW

A judicial review of any final determination may be had pursuant to the provisions of section 12.37-1.

12.35-10 LEGISLATIVE REVIEW

- (a) The seeking of a review pursuant to this section of the ordinance does not preclude a person aggrieved from seeking relief from the Kenosha County Board of Supervisors.
- (b) If in the course of legislative review under this section a determination is modified, such modification and any evidence adduced before the Kenosha County Board of Supervisors shall be made part of the record on review before any court of law.
- (c) The Kenosha County Board of Supervisors need not conduct the type of hearing required under section 68.11 of the Wisconsin Statutes.

12.35-11 COMMITTEE DECISIONS

Where the person aggrieved has had a hearing substantially in compliance with section 68.11 of the Wisconsin Statutes before the Kenosha County Land Use Committee when the initial determination was made, said determination shall be deemed a final determination from which a judicial review as heretofore provided for in section 12.35-9 of this ordinance may be immediately sought. (11/5/84)

B. VARIANCES BEFORE THE BOARD OF ADJUSTMENTS

12.36-1 INTENT

It is the intent of this section of the Ordinance to recognize that under certain conditions and circumstances, it may be necessary to obtain a variance from the terms of this Ordinance so long as said variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship or practical difficulties and where the granting of such variance will uphold the spirit of this Ordinance and contribute to the justice of the particular case in question. Any variance granted under the terms of this

ordinance shall, however, relate only to area requirements and not to use. Furthermore, it is the intent of this section to establish a Board of Adjustments for the purpose of reviewing applications for variances as well as reviewing orders and decisions made by the Office of Planning and Zoning Administration.

12.36-2 BOARD OF ADJUSTMENTS ESTABLISHED

There is hereby established a Board of Adjustments for the County of Kenosha for the purpose of hearing appeals and applications and granting variances to the provisions of this ordinance in harmony with the purpose and intent of this ordinance.

12.36-3 BOARD MEMBERSHIP AND ORGANIZATION

(a) The Board of Adjustments shall consist of five members appointed by the county executive and approved by the county board of supervisors. The county executive shall make his nominations at least one month prior to their appointment. The incumbent member of the Board of Adjustments whose term of office has expired shall remain in office only until such time as permitted by state statute.

(b) Terms for board members shall be for a period of five years beginning on July 1 with said terms being staggered over a five year period. Incumbent members appointed pursuant to the Kenosha County Zoning Ordinance adopted in 1959 shall continue to serve until their terms expire. In making the initial appointments for the two additional positions pursuant to this ordinance, one appointment shall be for a period of four years and the remaining appointment for a period of five years.

(c) Members of the Board of Adjustment shall be eligible for such position only in the event that they reside within the County of Kenosha and outside the limits of incorporated areas providing, however, that no two members shall reside in the same town. In making appointments to the Board of Adjustments, the chairman of the county board and the county board of supervisors shall attempt to make appointments to the Board of Adjustments of individuals having a background in land use planning, geography, urban affairs, or such other prior experience in related areas whenever feasible. Prior membership on the Board of Adjustments or on a Town Planning Commission shall constitute prior experience. Attempts should be made to insure that individuals appointed to the Board of Adjustments have no conflict of interest with said appointment.

(d) The Board of Adjustments shall choose its own chairman every year.

(e) Office room shall be provided by the County Board and the actual and necessary expenses incurred by the Board of Adjustments in the performance of its duties shall be paid and allowed as in cases of other claims against the county. The County Board may likewise compensate the members of said Board and such assistants as may be authorized by said County Board. Vacancies shall be filled for the unexpired term of any member whose seat becomes vacant in the same manner as appointments for a full term.

(f) Official oaths shall be taken by all members in accordance with section 19.01 of the Wisconsin Statutes within ten

(10) days of receiving notice of their appointments. The Office of Planning and Zoning Administration shall be represented at all meetings for the purpose of providing technical assistance when requested by the Board of Adjustments.

12.36-4 RULES, MINUTES AND SUBPOENA POWERS

- (a) Chapter 2 of the Municipal Code of Kenosha County shall apply to all rules and procedures to be followed by the Board of Adjustment. In addition, the Board of Adjustment may adopt further rules, not in conflict with either state law or county ordinances, as necessary to carry into effect the regulations of the County Board. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and tape recorded. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. For purpose of this Ordinance the Kenosha County Office of Planning and Zoning Administration shall be deemed to be the office of the Board of Adjustments until such time as a separate office has been established for said board.
- (b) The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant in any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.
- (c) Minutes of the proceedings and the taped record of all actions shall be kept by the board, showing the vote of each member upon each question, the reasons for the board's determination, and its findings of fact. These records shall be immediately filed in the office of the board and shall be a public record unless a closed session of the Board is permitted under section 19.85 of the Wisconsin Statutes. Records shall not be destroyed except pursuant to law. Where necessary, conclusions and orders of the Board may be filed with the Register of Deeds Office.

12.36-5 JURISDICTION AND POWERS OF THE BOARD OF ADJUSTMENTS

- (a) The Board of Adjustments shall have the following powers:
- 1 To hear and decide appeals as may be authorized by section 12.35 of this ordinance or where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of section 59.97 of the Wisconsin Statutes or this ordinance.
 - 2 To hear and to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, or, owing to special circumstances a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

3 To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning district, floodlands, and shorelands after the Land Use Committee has made a review and recommendation. Floodland and shoreland boundaries shall be altered by the Board of Zoning Adjustment only when the applicant presents evidence that clearly and conclusively establishes that the location as shown on the zoning map is incorrect. (11/5/84)

4 To hear and grant applications for substitution of more or equally restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Office of Planning and Zoning Administration has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

5 To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Office of Planning and Zoning Administration has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Adjustment, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

- (b) No variance shall have the effect of permitting any use in a district that is prohibited in that district, nor shall a variance have the effect of a re-zoning.
- (c) The Board may reverse, affirm wholly or partly or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.
- (d) The Board may request assistance from other County officers, departments, commissions, and boards.
- (e) The Chairman may administer oaths and compel the attendance of witnesses by subpoena.

12.36-6

APPEALS AND APPLICATIONS FOR VARIANCES

- (a) Appeals to the Board of Adjustments may be taken by any persons aggrieved or by any officer, department, committee or bureau of the County or municipality affected by a decision of the Office of Planning and Zoning Administration. Such appeal shall be filed in triplicate in the Office of Planning and Zoning Administration within thirty (30) days after the date of written notice of the decision or order. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed in the Office of Planning and Zoning Administration. Such appeals shall be commenced by filing with the Office of Planning and Zoning Administration and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Office of Planning and Zoning Administration shall forthwith transfer to the Board all the papers constituting the record upon which the action appealed from was taken. In addition, such appeals and application shall include the following as deemed appropriate by the Board of Adjustment:

- 1 Name, addresses and phone numbers of the applicant, owner of the site, architect, professional engineer, contractor, and authorized agent if applicable.
- 2 A description of the subject site by lot, block and recorded subdivisions or by metes and bounds; address of the subject site, tax parcel number, type of structure; existing or proposed use of the structure or site; the zoning district within which the subject site is located; classification of the subject site either being conforming or nonconforming in its use; and whether or not the property is located within a shoreland or floodplain area.
- 3 A plat of survey and/or site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Office of Planning and Zoning Administration showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout or map shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, and existing and proposed landscaping. (11/5/86)
- 4 For variances located within floodplain areas, the application shall include but not be limited to, a map plan which accurately locates or describes the proposal for a variance with respect to the floodway and flood plain, and shall provide all pertinent information such as fill dimensions and elevations, building floor elevations and floodproofing data. For all subdivision proposals and all other proposals, if the area affected exceeds 5 acres or the estimated cost of the proposal exceeds \$125,000, the applicant shall provide all computations which are required to show the effect of the proposal for a variance on flood heights, velocities and floodplain storage, which information may be transmitted to the Department of Natural Resources for review. In addition to the foregoing requirements required by Section NR116.20(2) of the Wisconsin Administrative Code, the applicant shall be further required to submit any information hereinafter required by Chapter NR116 of the Wisconsin Administrative Code and amendments thereto. In addition, the Office of Planning and Zoning Administration may require additional information such as but not limited to that data set forth in section 12.29-4(a)4 of this ordinance. (2/6/90)
- 5 Additional information relative to those standards and guidelines which must be met prior to the issuance of the variance as set forth in section 12.36-13 of this ordinance.
- 6 A list of property owners and addresses certified by the Kenosha County Assessor's office as required by section 12.05-1(e) of this ordinance.

7 The fee specified in section 12.05-7 of this ordinance.

- (b) Any application for a variance under this ordinance shall be accompanied by a sworn statement by the owner of the subject property or the applicant for a variance for said property that said property and its use will be operated in accordance with the provisions of this ordinance.

12.36-7

STAYS

An appeal shall stay all proceedings and furtherance of the action appealed from unless the Office of Planning and Zoning Administration shall certify to the Board of Adjustment after the notice and appeal shall have been filed that by reason of facts as stated in the certificate, a stay would cause imminent peril to life or property. In such case, notice shall be given to the appellant and proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a Court of record, on application and notice to the Office of Planning and Zoning Administration and for good cause shown.

12.36-8

NOTICE PROCEDURES

- (a) Upon receipt of a petition for a variance, the Office of Planning and Zoning Administration shall place the matter on the agenda for a public hearing before the Kenosha County Board of Adjustments provided, however, that the requirements of section 12.06-4 of this ordinance have been complied with.
- (b) Notice of the aforementioned public hearing shall be published as a Class 2 notice in a newspaper of general circulation within Kenosha County pursuant to Chapter 985 of the Wisconsin Statutes and the Wisconsin Open Meeting Law, section 19.81 to 19.98 of the Wisconsin Statutes. In addition, notice of said public hearing shall be mailed by certified mail, return receipt requested, to the last known address of all abutting property owners. Failure to receive notice shall not invalidate any action taken by the Board of Adjustments. After publication and notice, the petitioner may request the Board of Adjustments for a one month postponement of the public hearing for good cause and no further publication or notice shall be required, provided, however, that notice of the adjourned hearing date is given in the record at the time of the published hearing. With respect to properties located within the floodplain areas, a copy of the application for a variance shall be given to the Department of Natural Resources. (11/5/84)
- (c) Upon receiving a petition for an appeal or variance, the Office of Planning and Zoning Administration shall forward a copy of the petition to the town board and/or town planning commission of the town wherein the parcel is located and of any other town that may be immediately adjacent or opposite of such parcel and shall allow such board or planning commission 45 days to comment on said application. Within said period of 45 days, the town board and/or planning commission shall forward their recommendation to the county board of adjustments regarding the appeal along with standards or conditions which are found by them to be necessary for the allowance of a variance. Said standards or conditions or recommendation to grant or deny the variance or appeal shall not be binding on the board of adjustments or county board.

- 12.36-9 **HEARING PROCEDURES**
In hearing a petition requesting an appeal or allowance of a variance, the board of adjustments shall call the petition at the public hearing. Upon the call of the petition, the petition shall be read by the Chairman of the board and at the conclusion thereof, the chairman shall hear and receive any evidence or sworn testimony presented by the petitioner or his authorized agent or attorney. At the conclusion of the petitioner's presentation, the Chairman shall first ask for any public comments from those in support of the petition and secondly from those in opposition to the petition. Any relevant and material evidence or sworn testimony presented by interested individuals either in favor of or in opposition to the petition shall be received by the Chairman provided however that said evidence or sworn testimony is properly identifiable for the record. Lastly, the Chairman shall ask for a recommendation from a representative of the Office of Planning and Zoning Administration.
- 12.36-10 **CONTINUANCES**
Upon receiving the recommendation of the Office of Planning and Zoning Administration, the board may table the petition for a period of up to three months from the date of public hearing so as to allow the petitioner an opportunity to provide any further information deemed pertinent by the board or so as to allow the board members an opportunity to view the site or similar situations already in existence if a comparison is warranted in accordance with the guidelines set forth in section 12.36-11 or consider the conditions for allowing the appeal or variance.
- 12.36-11 **SITE VIEWS**
En route to view a site as provided for in section 12.36-10 of this ordinance, board members traveling together or visiting the site at the same time shall refrain from discussing board business. Furthermore, testimony shall not be received during such view nor shall any argument be heard. The Board may, however, gather information and ask questions provided that information, data, and questions and answers are recited into the record if that information will not be entered by testimony or exhibits.
- 12.36-12 **FINDINGS AND CONCLUSIONS**
Upon having received all evidence and hearing all sworn testimony relating to the petition, the Board of Adjustments shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and any other pertinent requirements deemed necessary by the board when considering the standards set forth in section 12.36-13 of this ordinance. Upon completion of said review, the board chairman shall entertain a motion that the board either grant or deny the appeal or application for a variance based upon specific findings and conclusions which shall be part of the Board's written decision and minutes.
- 12.36-13 **STANDARDS AND GUIDELINES**
(a) In determining whether a variance is to be granted, the following standards and guidelines must be met in view of the evidence presented and in making its decision, these standards and guidelines shall be addressed by the Board of Adjustment:

- 1 The existence of special conditions or exceptional circumstances on the land in questions.
- 2 The experiencing of unnecessary hardships or practical difficulties on the land in question either presently or in the future.
- 3 That these hardships or difficulties are the result of the aforementioned special conditions existing on the land and are not self-inflicted.
- 4 That the existence of these special conditions will restrict the use of the land if the Ordinance is applied literally so as to render the land useless.
- 5 That the limitation on the use of the land does not apply generally to other properties in the district.
- 6 That limiting the use of the property does not afford compensating gains to the public health, safety and welfare.
- 7 That the variance(s) requested are the minimum variance(s) needed to alleviate difficulties or hardships.
- 8 That the use of the parcel in question presently does conform to the ordinance.
- 9 That granting the variance applied for will not affect the public health, safety, morals and welfare of the community and other properties in the area.
- 10 That with respect to those areas located within the Floodplain Overlay District, a variance would not permit a lower degree of flood protection in the floodplain area than the flood protection elevation; further, that the variance for the proposed action would not require an amendment to the floodplain zoning ordinance; and furthermore, that the variance would not have the effect of granting or increasing a use of property which is prohibited in the Floodplain Overlay District.

- (b) Variances may be granted for example for reasons of topography, environmental protection or where permitted by state statute but in no event may a variance be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction errors, economic reasons, self-created hardships, or where the property is presently a non-conforming use. Furthermore, variances may not be granted for the purpose of altering the sanitary requirements of this ordinance except for existing structures.
- (c) The Board of Adjustments in considering the propriety of granting a variance shall not consider the number of persons for or against the granting of a variance but shall base their decision solely upon the equities of the situation involved.
- (d) Variances may be granted in the form of an area or distance variance, however, use variances shall be specifically prohibited under this Ordinance.

12.36-14 **CONDITIONS**

In order to insure that any variance so granted by the Board of Adjustments is consistent with the spirit of the Ordinance and recognizing that there could be fact situations where the spirit of this Ordinance could be observed only if conditions were imposed upon the granting of the variance, the Board of Adjustments is specifically empowered to grant a variance upon conditions such as, but not limited to, landscaping, type of construction, hours of operation, traffic patterns, parking requirements, yard sizes, time periods, deed restrictions,

bonds, etc. and further provide that in the absence of said conditions being met, said variance shall be null and void.

12.36-15 DECISIONS

- (a) The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Office of Planning and Zoning Administration, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.
- (b) The Board of Adjustment shall decide all appeals and applications in compliance with the Wisconsin Open Meeting Law and within thirty (30) days after final hearing and shall transmit a signed copy of the Board's decision and order to the appellant or applicant and the Office of Planning and Zoning Administration along with the Board's Findings and Conclusions and a statement as to which members of the board viewed the property in question and the date of such viewing.
- (c) Variances granted by the Board shall expire within six (6) months unless substantial work as defined in section 12.05-3 of this ordinance has commenced pursuant to such grant.
- (d) Applicants receiving variances in the FPO Floodplain Overlay District shall be notified, in writing, by the Board of Adjustment that increased flood insurance premiums and risk to life and property may result from the granting of the variance. The Board shall keep a record of the notifications in its files. (2/6/90)

12.36-16 ORDER ON APPEAL

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal was taken.

12.36-17 CONFLICT OF INTEREST

Any member of the Board of Adjustments having a conflict of interest in any matter coming before the board shall refrain from any voting or discussion either prior to, at, or after the matter has been heard by the Board.

12.36-18 NOTICE TO DNR AND ARMY CORP OF ENGINEERS

The Board of Adjustments shall transmit a copy of each application for a variance to floodland and/or shoreland regulations, and a copy of each appeal to floodland and/or shoreland regulations to the Wisconsin Department of Natural Resources (DNR) and to the Army Corp of Engineers for review and comment at least ten (10) days prior to any public hearing. Final action on the application or appeal shall not be taken for thirty (30) days or until such time as the DNR and Army Corp of Engineers has made their recommendations, whichever comes first. A copy of all decisions relating to variances to floodland and/or shoreland regulations, and a copy of all decisions to floodland and/or shoreland appeals shall be transmitted to the DNR and the Army Corp of Engineers within ten (10) days of the effective date of such decision. (2/6/90)

- 12.36-19 **MOTION TO RECONSIDER AND RE-APPEAL**
 (a) Where an error in judgment or procedure resulted in granting an improper variance or in denying an appeal, a motion to reconsider made by a board member or upon motion of any interested party, may be considered and the prior action of the Board rescinded if vested rights are not violated.
- (b) A petition for a variance having been denied or a decision or order of the Office of Planning and Zoning Administration having been affirmed, a petition seeking a similar variance or relief shall not be entertained by the Board of Adjustments until the expiration of a minimum of one year.
- 12.36-20 **APPEAL OF BOARD RULING OR ORDER**
 Any decision of the Kenosha County Board of Adjustments related to the granting or denial of an appeal or allowance or denial of a variance may be appealed as provided for in section 12.37 of this ordinance.
- 12.36-21 **RECORDING OF RULING OR ORDER**
 Any variance granted by the board or by a court of law shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within 5 days after the variance is granted and evidence of such filing is presented to the Office of Planning and Zoning Administration. Any recording fees shall be paid by the applicant. In addition, the Office of Planning and Zoning Administration shall keep a record and/or map of all such variances which shall be open to the public. Failure to comply with this provision shall render the variance null and void.

C. JUDICIAL REVIEW

- 12.37-1 **JUDICIAL REVIEW OF FINAL DETERMINATION OF ADMINISTRATIVE APPEAL**
 (a) Any party to a proceeding resulting in a final determination pursuant to section 12.35-8 of this ordinance may seek review thereof by writ of certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- (b) If review is sought of a final determination, the record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.
- 12.37-2 **BOARD OF ADJUSTMENT REVIEWS**
 (a) Appeal. Any person or persons jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the ground of illegality. Such petition shall be presented to the court

within thirty days after the filing of the decision in the office of the Board.

- (b) Certiorari. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, and notice to the board and for good cause shown, grant a restraining order.
- (c) Return to Writ. The Board of Adjustment shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decisions appealed from and shall be verified.
- (d) Court decision. If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court may be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (e) Costs. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
- (f) Representation. The Corporation Counsel's office shall represent the Office of Planning and Zoning Administration in the appeal of any decision of the Board of Adjustment. Opinions to and representation of the Board of Adjustment shall be limited solely to matters of procedure and not substance by the Corporation Counsel's office.

12.37-3

REMEDIES

Any person aggrieved by the operation of this ordinance may seek judicial relief in the form of declaratory judgments, and petitions for a writ of mandamus along with any and all other remedies available to said individual either at law or in equity. Compliance with this ordinance may also be enforced by injunctive order at the suit of the county or the owner or owners of real estate affected by such regulation. Forfeitures and penalties shall be in accordance with section 12.33 of this ordinance.

12.37-4

JURY TRIAL

A jury trial may be requested by either party in any action involving an issue of fact relating to the operation of this ordinance.

VIII. AMENDMENTS AND CHANGES

A. GENERAL BOUNDARY AND TEXT AMENDMENTS

12.38-1 INTENT

While it is the intent of this Ordinance to provide stability and regularity in zoning and land use in Kenosha County, it is recognized that zoning is by no means static. It is the intent of this section to recognize that changed or changing conditions call for changed plans, and persons who own property in a particular zone or use district cannot enjoy an eternally vested right to that classification if the public interest demands otherwise.

12.38-2 AUTHORITY AND LIMITATIONS

Whenever the public necessity, convenience and general welfare require, the Kenosha County Board of Supervisors may, by ordinance, amend any part of the Ordinance. Such amendments may include reclassification or rezoning of property, changes in district boundaries, or changes in the text of this Ordinance. Such amendments shall be enacted in accordance with the provisions of the Wisconsin Statutes and this Ordinance. The determination of when the public interest requires a change in the zoning ordinance shall remain within the discretion of the Kenosha County Board of Supervisors. Amendments may also be made upon a showing of a mistake or error on the part of the Kenosha County Office of Planning and Zoning Administration.

12.38-3 INITIATION

A petition for amendment of this Ordinance may be made by any property owner or his agent or any individual having a vested interest in an option or offer to purchase the land in question in the area to be affected by the amendment, by the Town Board of any town wherein the Ordinance is in effect; by any member of the County Board or by the Kenosha County Land Use Committee. (11/5/84)

12.38-4 PETITION

Petitions for any change or amendment to the district boundaries or amendments to the text of this Ordinance shall be filed with the County Clerk, who shall immediately refer it to the Land Use Committee and Office of Planning and Zoning Administration for its consideration, report and recommendation. Said petition shall describe the premises to be rezoned and the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following: (11/5/84)

- (a) Petitioner's name, address, phone number and interest in property. (Owner, broker, etc.)
- (b) Existing zoning district
- (c) Proposed zoning district
- (d) Proposed use (a statement of the type, extent, area, etc. of any development project)
- (e) Compatibility with County plans (a statement of conditions warranting a change in zoning)
- (f) Compatibility with adjacent lands (a statement of land uses and impact of zoning change)
- (g) Legal description of property to be rezoned
- (h) Plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent proper-

ties, existing uses and buildings of adjacent properties--
drawn to scale)

- (i) A list certified by the County Assessor of all property owners within the area to be altered within 300 feet of the parcel or parcels to be rezoned and of abutting owners and other parties of interest.
- (j) The exact language of any proposed change in the text of this ordinance.
- (k) A map plan, when necessary, which accurately locates or describes the proposal with respect to the floodways and floodplains and which provides all pertinent information such as the fill dimensions and elevations, building floor elevations and floodproofing data.
- (l) All computations which are required to show the effect of the proposal on flood heights, velocities and floodplain storage for all subdivision proposals and all other proposals if the area affected exceeds five acres or the estimated cost of the proposal exceeds \$75,000, which information shall be transmitted to the Department of Natural Resources for review.
- (m) Additional information as may be requested by the Kenosha County Office of Planning and Zoning Administration
- (n) The name of the County Supervisor of the district wherein the property is located
- (o) Any information required by section 12.05-1 of this ordinance.
- (p) The fee specified in section 12.05-7 of this ordinance.

Immediate notice of the petition shall be sent to the County Supervisor of any affected district. All petitions referred under this paragraph shall be brought to the attention of the Kenosha County Board at its next succeeding meeting. At such meeting of the County Board, the petition shall be formally referred directly to the Land Use Committee for its consideration, report and recommendations. (11/5/84)

12.38-5

PUBLIC HEARING

Pursuant to Wisconsin Statute 59.97(5)(e)2, upon receipt of such petition by the Land Use Committee, said committee shall call a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the County of a Class 2 Notice, under Chapter 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. Additional notices shall be given as required by section 12.39 (Shoreland Amendments), 12.40 (Floodplain Amendments), and 12.41 (Agricultural Preservation District Amendments) and to those persons certified under section 12.38-4(i) of this ordinance. (11/5/84)

12.38-6

TOWN RECOMMENDATIONS AND VETO

Pursuant to Wisconsin Statutes section 59.97(5)(e)3 and amendments thereto, if a Town affected by the proposed amendment, with the exception of Shoreland and Floodplain amendments, disapproves of the proposed amendment, the Town Board of such Town may file a certified copy of the resolution adopted by such Board disapproving of the petition with the Committee prior to, at or within, ten days after the public hearing. If the Town

Board of the Town affected in the case of an ordinance relating to the location of boundaries of districts files such a resolution, or the Town Boards of a majority of the Towns affected in the case of all other amendatory ordinances file such resolutions, the Land Use Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval. (11/5/84)

12.38-7

COMMITTEE RECOMMENDATION

Pursuant to Wisconsin Statute 59.97(5)(e)4 and amendments thereto, as soon as possible after such public hearing, the committee shall act, subject to the provisions set forth in section 12.38-6, on such petition either approving, modifying and approving, or disapproving of the same. If its action was favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the county board with its recommendations. If the committee after its public hearing, shall recommend denial of the petition, it shall report its recommendation directly to the county board with its reason for such action. Proof of publication of the notice of public hearing held by such committee and proof of the giving of the notice to the town clerk of such hearing shall be attached to either such report. Notification of town board resolutions filed under subsection 12.38-6 shall be attached to either such report.

12.38-8

COUNTY BOARD ACTION

Pursuant to Wisconsin Statute 59.97(5)(e)5 and amendments thereto, upon receipt of such committee report, the county board may adopt the ordinance as drafted by the Office of Planning and Zoning Administration or with amendments, or it may deny the petition for amendment or it may refuse to deny the petition as recommended by the committee in which case it shall re-refer the petition to the Land Use Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board, which may then adopt or reject such ordinance. (11/5/84)

12.38-9

PROTEST

In case a protest against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board, at which the report of the Land Use Committee is to be considered, duly signed and acknowledged by the owners of 50 per cent or more of the area proposed to be altered, or by abutting owners of over 50 per cent of the total perimeter of the area proposed to be altered included within 300 feet of the parcel or parcels proposed to be rezoned, action on such ordinance may be deferred until the Land Use Committee has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board of Supervisors present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded. (11/5/84)

12.38-10

EFFECTIVE DATE

Pursuant to Wisconsin Statute 59.97(5)(e)6 and amendments thereto, if any such amendatory ordinance makes ONLY THE CHANGE SOUGHT IN THE PETITION AND IF THE PETITION WAS NOT DISAPPROVED AT OR WITHIN 10 DAYS AFTER THE PUBLIC HEARING BY THE TOWN BOARD of the town affected in the case of an ordinance relating to the

location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The County Clerk shall record in his office the date on which such ordinance becomes effective and shall notify the town clerk of all towns affected by such ordinance of such effective date and also insert such effective date in the proceedings of the county board.

Any other such amendatory ordinance when so adopted shall within seven days thereafter be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by such ordinance are located. If after 40 days from the date of such adoption a majority of such towns have not filed the certified copies of resolutions DISAPPROVING such amendment with the county clerk or if, within a shorter time, a majority of towns in which the ordinance is in effect have filed certified copies of resolutions APPROVING the amendment with the county clerk, the amendment shall thereupon be in effect in all of the towns affected by the ordinance.

Any such ordinance relating to the LOCATION OF BOUNDARIES OF DISTRICTS shall within seven days after adoption by the county board be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by the change are located and shall become effective 40 days after the adoption of the ordinance by the county board unless such town board prior to such date files a certified copy of a resolution disapproving of such ordinance with the county clerk. If such town board approves the ordinance, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the county clerk. The county clerk shall record in his office the date on which such ordinance becomes effective and shall notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the county board, which report shall be printed in the proceedings of the county board.

B. SHORELAND AMENDMENTS

12.39-1 PROCEDURE

Pursuant to Wisconsin Statutes section 59.971, amendments affecting shoreland areas shall be governed by the procedures heretofore set forth with the exception that said amendments shall not require approval or be subject to disapproval by any town or town board.

12.39-2 AMENDMENTS TO LANDS IN THE SHORELAND JURISDICTION OF THIS ORDINANCE (11/5/86)

(a) Notice to DNR. The County shall transmit a notice of any change (text or map) to the shoreland provisions of this ordinance to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

- 1 A copy of every petition for a text or map change mailed within five days of filing with the County Clerk
- 2 At least 10 days prior notice of any public hearing on any Shoreland amendment.
- 3 Notice of a County Land Use Committee recommendation no later than 10 days following the recommendation.
- 4 Notice of a County Board decision no later than 10 days following the decision.

- (b) Review Standards for C-1 and C-3 District Changes. No wetland in a Shoreland C-1 or C-3 District shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, otherwise drain into navigable waters; shoreland protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (c) DNR Objections. If the DNR has notified the County Land Use Committee that an amendment to the shoreland portion of the C-1 or C-3 District may have a significant adverse impact upon any of the criteria listed in paragraph (b) above. That amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County pursuant to Section 59.971 of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.971 adoption procedure is completed or otherwise terminated."

C. FLOODPLAIN AMENDMENTS

12.40-1 PROCEDURE FOR CHANGING FLOODPLAIN LIMITS

The limits of the floodplain shall not be changed without first amending the applicable portions of the water surface profiles floodplain zoning maps, and floodplain zoning ordinances and without first securing the Department of Natural Resources approval to such amendments. The designation of floodplain shall not be removed from any area unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands laying outside the floodplain pursuant to the Wisconsin Administrative Code, section NR116.18.

12.40-2 UPGRADING FLOODPLAIN PROVISIONS

Within six months from the time any of the information listed below is available, the county shall upgrade the floodplain portion of this zoning ordinance along with the applicable maps to reflect current information such as the following:

- (a) Flood data
- (b) Floodplain management statutes
- (c) Floodplain management rules
- (d) Floodplain management case law
- (e) Hydrologic data
- (f) Improved technical information and methods

12.40-3 ACTIONS REQUIRING AMENDMENT

- (a) Official amendments are required for any changes in the official water surface profiles, floodplain zoning maps, or floodplain zoning ordinance. Actions which require an amendment include, but are not limited to, the following in accordance with the Wisconsin Administrative Code, section NR116.21(6):

- 1 Any change in the boundary of the floodplain area.
 - 2 Settlement of conflict between the water surface profiles and floodplain zoning maps in accordance with the Wisconsin Administrative Code, section NR116.10.
 - 3 Any fill or encroachment into the floodplain.
 - 4 Any upgrading of floodplain zoning ordinances in accordance with the Wisconsin Administrative Code, section NR116.05 and section 12.40-2 of this ordinance.
- (b) Amendments may be made upon petition of any interested party in accordance with the appropriate provision of section 59.97(3)(4) of the Wisconsin Statutes.
- (c) All proposed amendments shall be referred to the Office of Planning and Zoning Administration for a public hearing and recommendation to the Kenosha County Land Use Committee and the Kenosha County Board of Supervisors which shall approve or disapprove the proposed amendment. (11/5/84)

12.40-4

FLOODPLAIN BOUNDARY CHANGES LIMITED

The county board shall not permit changes to the floodplain that are inconsistent with the purpose and intent of this ordinance; or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources, (DNR) and the Federal Emergency Management Agency, (FEMA). In addition:

- (a) Changes in the floodplain boundaries shall not be permitted where the change will increase the flood stage elevation by 0.01 foot or more unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Petitions for floodplain changes shall show the effects of the change within the floodplain, and shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevations. It shall be the policy of the county board of supervisors that any area removed from the floodplain shall be contiguous to land lying outside the floodplains, and where floodplains are removed, an equivalent area and volume of floodplain shall be added in the vicinity of the removal. (2/6/90)
- (b) Removal of land from the floodplain shall not be permitted unless the land has been filled to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood.
- (c) Amendment of unnumbered A Zones shall not be permitted unless the petitioner provides the county with engineering data showing the flood profile, necessary river cross section and flood elevations. The effects of any change in the floodplain shall be limited as set forth above to less than 0.01 foot increase in flood stage unless appropriate legal arrangements have been made. If the unnumbered A Zone is less than five (5) acres in area and where the cost of the proposed development is less than \$125,000, the Wisconsin Department of Natural Resources,

(DNR) will assist the petitioner in determining the required flood elevations. (2/6/90)

- (d) No river or stream or watercourse shall be altered or relocated until a floodplain zoning change has been applied for and granted in accordance with the requirements of this section, and until the town in which the change is located and all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of within the altered or relocated portion of the watercourse shall be maintained.
- (e) A copy of all notices for amending the floodplain provisions of this ordinance or the floodplain maps shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). No amendment to the floodplain boundaries or regulations shall be effective until approved by the DNR. (2/6/90)

D. A-1 AGRICULTURAL PRESERVATION DISTRICT AMENDMENTS

12.41-1 **STANDARDS FOR AMENDING AREAS ZONED FOR AGRICULTURAL PRESERVATION**
The county board of supervisors may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following pursuant to Wisconsin Statutes section 91.77 and amendments thereto:

- (a) Adequate public facilities to accommodate development, either exist or will be provided within a reasonable time.
- (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- (c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.

12.41-2 **LIEN PROVISIONS**
Land which is rezoned under this section shall be subject to the lien provision provided for under Wisconsin Statutes, section 91.19(8)-(10) for the amount of tax credits paid on the land rezoned.

12.41-3 **STATE NOTIFICATION**
The Kenosha County Office of Planning and Zoning Administration shall notify the Department of Agriculture, Trade and Consumer Protection and Agricultural Lands Preservation Board of all rezoning and amendments under this section.

E. ANNEXED LANDS

12.42-1 **PROCEDURE**
When any lands previously under the jurisdiction of this ordinance have been finally removed from the jurisdiction of this ordinance by reason of annexation to an incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in Wisconsin Statute 59.97(7), the County Board, may, on the recommendation of its Land Use Committee, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official

zoning map or written descriptions without following any of the procedures provided above, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the County Clerk to the clerk of each town in which the lands affected were previously located. Nothing in this paragraph shall be construed to nullify or supersede section 80.64 of the Wisconsin Statutes relating to widening of highways and the establishment of excessive highway widths. (11/5/84)

12.42-2 CONTINUED EFFECT OF ORDINANCE

Pursuant to Wisconsin Statute section 59.97(7), whenever any area which has been subject to this ordinance petitions to become part of a village or city, the regulations imposed by this ordinance shall continue in effect, without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the county zoning shall prevail and the county shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

F. REZONING OF COUNTY OWNED LANDS

12.43-1 PROCEDURE

Pursuant to section 59.97(9) of the Wisconsin Statutes and amendments thereto, the county board may, by ordinance, rezone any lands owned by the county without the necessity of securing the approval of the town boards of the towns wherein such lands are situated and without following the procedures outlined above, provided that the county board shall give written notice to the town board of the town wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in five public places in the town.



APPENDIX "A"---DEFINITIONS

A ZONES

Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ABUTTING PROPERTY OWNERS

Property owners having a common boundary or property owners on either side of a public thoroughfare. (see, for example, section 12.05-1(e))

ACCESS

A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

ACCESSORY BUILDING OR USE

A building or use which:

- (1) Is or will be subordinate to and serves a principal building or principal use;
- (2) Is or will be subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and
- (4) Is or will be located on the same zoning lot as the principal building or principal use.
- (5) Is detached from the principal structure. (11/5/86)

ADDITION

Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

ADJACENT; ADJOINING

Nearby, but not necessarily touching.

AIRPORT, PUBLIC OR PRIVATE

Any airport which complies with the definition contained in section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

AIRSTRIP OR LANDING FIELD

Any land intended for the landing or take-off of aircraft.

ALLEY

A public highway which is a narrow way, less in size than a street, and which is not designed for general travel; which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

ALTERATIONS

A physical change in a building or an addition to it. As applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

AMENITY

Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. It may include such things as a unified building design, recreational facilities, such as swimming pools or tennis courts, security systems, views, landscaping or tree preservation, or attractive site design.

ANIMAL HOSPITAL

A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

ANIMAL UNIT

One animal unit shall be defined as being the equivalent of the following: one 1,000 pound steer; one dairy cow; four swine; ten sheep; 100 laying hens; 100 broilers; one horse; or 100 turkeys.

APARTMENT

A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.

APARTMENT, EFFICIENCY

A dwelling unit of not more than one room in addition to kitchen and bath and intended primarily as a residence for a single person.

APARTMENT HOTEL

A building or portion thereof used for or containing both individual guest rooms and dwelling units designed for more or less temporary occupancy.

APARTMENT HOUSE

A building or that portion thereof containing more than four dwelling units or efficiency apartments.

AREA

Synonymous with the word "tract", which is "a piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained."

AREA NET DEVELOPABLE

Those lands within a development parcel remaining after the deletion of floodlands, wetlands, land densely covered with trees and shrub growth on slopes of 12 percent or greater, all lands having slopes of 20 percent or greater, and all lands proposed for commercial or business land uses.

AUTOMOBILE WRECKING YARD

Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

AWNING

A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BACK LOT DEVELOPMENT (6/2/92)

Back lot development, also known as "lot pyramiding", "keyhole development", and "development funneling" is the practice whereby a lot, outlot, or common open space is used for waterfront access by a large number of parcels built away from the water body. In many cases, a common road or drive leads to a pier or beach. This practice is viewed by many as crowding more development onto a body of water than would otherwise occur with individual waterfront lots, thus altering the appearance and quality of development on the body of water.

BASEMENT

An area below the first floor, having part but no more than one-half of its height above grade.

BENCHMARK

Identification symbols from which differences of elevation are measured.

BILLBOARD

A structure used for an outdoor display for the purpose of making anything known.

BOARDINGHOUSE

A building other than a hotel, where lodging and meals for five or more persons are served for compensation. A boardinghouse may also include the dwelling unit occupied by the owner or operator.

BOATHOUSE, PRIVATE

Any accessory building designed for the purpose of storing boats and other water-related recreational materials.

BUILDING

Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

BUILDING AREA

The total living area bounded by the exterior walls of a building at the floor level, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

BUILDING, FRONT OF

That side of a building which faces the principal road, street, highway or way serving the same.

BUILDING LINE

A line between which and any street line, no building or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this ordinance equivalent to a setback line.

BUILDING SETBACK LINE

The line nearest the street and across a lot establishing the minimum open space to be provided between buildings and specified structures and street lines.

BUILDING, NONCONFORMING

A legally existing building which fails to comply with the regulations (for height, number of stories, size, area, yards, and location) set forth in this ordinance applicable to the district in which this building is located.

BUILDING, PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated.

BULKHEAD LINE

A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to section 30.11 of the Wisconsin Statutes. Filling and development is only permitted between the bulkhead line and the original ordinary high water mark. (11/5/86)

BUSINESS; BUSINESS USE

Necessarily imply employment of one or more persons for the purpose of earning a livelihood, activities of persons to improve their economic conditions and desires, and generally relate to commercial and industrial engagements.

CAMP GROUND

Any area or tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers, or other camping outfits.

CARPORT

A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this ordinance, a carport shall be considered to be the equivalent of a garage.

CARWASHES

Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.

CEMETERY

Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHANNEL

Those floodlands normally occupied by a stream of water under average annual high water flow conditions while confined within generally well established banks.

CHANNELING

The act or action which results in an interconnection of two bodies of water, usually navigable by surface craft.

CHILD CARE CENTER

Any establishment which provides shelter, care, activity and supervision (with or without academic instruction) for five or more unrelated children or children who are not the legal wards or foster children of the attendant adult between the hours of 7 A.M. and 7 P.M.

CHURCH

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC

A place for the medical or similar examination and treatment of persons as outpatients.

CLOSED CUP FLASH POINT

The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below 175°F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175°F and 350°F.

CLUB OR LODGE

Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

COMMUNITY CENTER

A building, together with lawful accessory buildings and uses, used for recreational and cultural activities, etc., and not operated for profit.

COMMUNITY LIVING ARRANGEMENTS

Any facility falling within the definition of section 46.03(22) of the Wisconsin Statutes.

CONDITIONAL USE

Uses of a special nature as to make impractical their predetermination as a principal use in a district. (11/5/86)

CONDOMINIUM

The ownership of single units in a multi-unit structure with common areas and facilities.

CONSERVATION STANDARDS

Guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the USDA Soil

Conservation Service for Kenosha County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

CONVERSION

Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or room units.

COURT

An open space which may or may not have street access, and around which is arranged a single building or group of related buildings.

COURT, INNER

That portion of a lot unoccupied by any part of a building, surrounded on all sides by walls, or by walls and a lot line.

COURT, OUTER

That portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

DAY CARE CENTER

See "Child Care Center".

DAY NURSERY

See "Child Care Center".

DECIBEL

A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

DIRECTLY OPPOSITE

Those tracts of land on opposite sides of the street with only the street intervening.

DISTRICT

A part or parts of the county for which the regulations of this ordinance governing the use and location of land and buildings are uniform.

DISTRICT, BASIC

A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the residential, commercial, and industrial district classifications).

DISTRICT, OVERLAY

Overlay districts allow for superimposing certain additional requirements or uses upon a basic zoning district which are compatible with the basic district. If there are conflicting requirements, those which are stricter shall apply.

DITCHING

The process of excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conductance of waters.

DOG KENNEL

A facility for the keeping or boarding of more than four (4) dogs over six (6) months of age.

DOMESTIC SERVANT

A person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefor, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person, and no member of the family of any person, who pays rent for himself or his family shall be deemed the domestic servant of the person to whom such rent is paid.

DORMITORY

A building or portion thereof used for sleeping purposes in connection with a school, college or other institution.

DRAIN

A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

DRAIN TILE LANE

The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around the building foundations.

DRAINAGE BASIN

The geographic area the general configuration of which causes surface waters to flow in a specified direction; the area, contained by a naturally defined watershed, draining all surface waters.

DRAINAGE SYSTEM

One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge. (11/5/86)

DRAINAGEWAY

Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes in which waters flow in a definite direction or force, either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

DREDGING

The process of which bottom materials are removed from bodies of water for the purposes of deepening the body of water.

DRIVE-IN

A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

DUMP

A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DUPLEX

A building designed and/or used exclusively for residential purposes and containing two dwelling units separated by a common party wall or otherwise structurally attached.

DUSTFALL

The rate that particulate matter collects in an open jar for a 30-day period, expressed as tons per square mile per month. Procedures and equipment for the measurement of such shall be as standardized by the American Society for Testing and Materials.

DWELLING

A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels, lodging-houses, boardinghouses or tourist homes.

DWELLING, ATTACHED

A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

DWELLING, DETACHED

A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

DWELLING, SEMI-DETACHED

A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

DWELLING, SINGLE-FAMILY

A building designed and/or used exclusively for residential purposes for one (1) family only and containing not more than one (1) dwelling unit.

DWELLING, TWO-FAMILY

A detached or semi-detached building used for residential occupancy by two families living independently of each other.

DWELLING, MULTIPLE

A building or portion thereof used for occupancy by three or more families living independently of each other, and doing their own cooking in the building including apartments, group houses, and row houses.

DWELLING, GROUP

A single family dwelling and one or more other single family or duplex dwellings located on a lot.

DWELLING, ROW HOUSE OR TOWN HOUSE

One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.

DWELLING UNIT

Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

EARNs A SUBSTANTIAL PART OF HIS OR HER LIVELIHOOD FROM THE FARM OPERATION.

Twenty-five percent of the annual gross income is earned from direct farm labor.

EARTH MOVING

Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and the voiding of soils of vegetated cover so as to make the same soil susceptible to erosion.

EARTH REMOVAL

The removal or extraction of any stone, sand, gravel, loam, topsoil, or other earth or earth product from a lot or parcel of land, except where such removal is for the purpose of grading a lot upon which a building is to be erected, a roadway to be built, or a platting thereof to be made.

EARTHBORNE VIBRATIONS

Describes a cyclic movement of the earth due to energy propagation.

EASEMENT

A right given by the owner of land to another party for specific limited use of that land.

EGG PRODUCTION COMMERCIAL

An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.

EMERGENCY SHELTER

Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

ENLARGEMENT, OR TO ENLARGE

An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

EQUAL DEGREE OF HYDRAULIC ENCROACHMENT

The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

EQUAL DEGREE OF HYDROLOGIC ENCROACHMENT

The effect of any development on the storage capacity of a floodplain area, particularly upstream from urban areas, is analyzed assuming an equal loss of flood storage for all property owners and subdivided lots in the storage area of a floodplain on both sides of a river or stream for a significant hydrologic reach.

EROSION

The process by which the ground surface is worn away by action of wind or water.

ESSENTIAL SERVICES

Services provided by public and private utilities, necessary for the exercise of the principal, accessory or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants but not including buildings.

EXCAVATION

The act by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXCEPTION

The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is permissible by reason of special provisions of this ordinance, or for which a special permit may be issued by the county zoning agency or the board of adjustment, under conditions specified in this ordinance. Same as a conditional use.

EXPRESSWAY

A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

EXTEND

Implies increase or amplification as distinguished from inception.

EXTENSION, OR TO EXTEND

An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

EXTERIOR WALL SURFACE

The most exterior part of a wall, sun screen or any screening or material covering a building.

FAMILY

An individual or any number of individuals related by blood or marriage, and including servants, living together as a single housekeeping unit. This definition also includes children placed in foster homes pursuant to the provisions of Chapter 48 of the Wisconsin Statutes as being treated as if they were related by blood or marriage to other members of the family unit.

FARM

A zoned area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, etc., and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine, etc.

FARMING

The business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring for and harvesting the crops.

FEEDLOT--COMMERCIAL

The following facilities shall be considered feedlots: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; (2) any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions. An animal confinement facility used or designed for the feeding or holding of 500 or more animal units for a period of 30 days or more.

FENCE

A structure for enclosure or screening

FILL

Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported and shall include the condition resulting therefrom.

FLOATING ZONE

A special detailed use district of undetermined location, a district in which the proposed kind, location, size, and form of structures must be preapproved, and which, like a special exception use, is legislatively predeemed compatible with the areas in which it may thereafter be located on a particular application, provided specified standards are gratified and actual incompatibility is not revealed. Same as overlay district.

FLOOD

A temporary rise in stream flow or stage in lake level that results in water overtopping banks and inundating areas adjacent to the stream channel or lake bed.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.

FLOOD LANDS

Those flood lands subject to inundation by the 100-year recurrence interval flood, or where such data is not available, the maximum flood of record.

FLOOD PROFILE

A graph showing the relationship of the flood water, surface elevation for a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

FLOOD PROTECTION ELEVATION

A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard" is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.

FLOOD STAGE

The elevation of the flood water surface above an officially established datum plain. In Southeastern Wisconsin, it is recommended that the datum plain used be Mean Sea Level, 1929 Adjustment.

FLOODPLAIN--LANDWARD SIDE

The outward edge of the floodplain.

FLOODPROOFING

Any combination of structural and non-structural additions, changes or adjustments which reduce or eliminate flood damage to unimproved and improved real estate, water and sanitary sewer facilities, structures and their contents. (See also Section 12.12-4(1) of this Ordinance). (2/6/90)

FLOOR AREA

The sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities. See also "Ground Floor Area".

FLOOR AREA--BUSINESS, COMMERCIAL AND INDUSTRIAL BUILDINGS

For the purpose of determining off-street parking and off-street loading requirements. The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

FLOOR AREA--GROSS

The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment--open or closed--located on a roof or basement), penthouses, attic space having a head room of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

FLOOR AREA RATIO

The total floor area on a zoning lot, divided by the lot area of that zoning lot.

FOOT CANDLE

A unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candle power.

FOSTER HOME

Any home licensed as such by the State Department of Health and Social Services.

FRATERNITY

A body of men associated for their common interest, business, or pleasure.

FRATERNITY OR SORORITY HOUSE

A building containing no more than one (1) dwelling unit and more than two (2) rooming units or guest rooms. Such rooming units or guest rooms shall be for residential purposes only.

FREE BURNING

Implies a rate of combustion described by a material which burns actively, and easily supports combustion.

FREEWAY

An expressway with full control of access and with fully graded separated intersections.

FREQUENCY

Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONT; FRONTAGE

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

FUNERAL HOME

A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

FUR FARM

Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in section 29.01(3)(c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

GARAGE

A building for the storing of motor vehicles.

GARAGE, ATTACHED

A private garage which has a roof or wall, or a major portion of a roof or wall, in common with a dwelling. Where the garage is attached to a dwelling in this manner, it shall be subject to all yard requirements of the main building.

GARAGE, PARKING

A building or portion thereof designed or used for the temporary storage of motor driven vehicles, with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

GARAGE, PRIVATE

A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one per family housed in the building to which such garage is accessory, whichever is the greater, and not more than one-third the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three vehicles may be rented for vehicles of other than occupants of the building to which such garage is accessory.

GARAGE PUBLIC

A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

GARAGE, STORAGE

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding 5 tons capacity shall be stored in any storage garage.

GARDEN APARTMENT

A multiple family dwelling which shall not exceed four stories in height.

GASOLINE STATION

Includes not only the building provided for repair work, the storage of supplies, and the use and shelter of the operatives, but also tanks, pumps, structures, and filling stations for business purposes and the supplying of gas, fuel, and oil for automobiles of the general public. It also includes, of necessity, suitable approaches and exits at substantially the level of the street.

GIFT STORES

Retail stores where items such as art, antiques, jewelry, books and notions are sold.

GOLF COURSE

A comparatively large unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

GRADE

In cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

GROUND FLOOR AREA

The square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

GROUND SIGNS

Includes billboard signs and any other sign secured to the ground and not to a building except tower signs.

GROUP HOME

Any home licensed as such by the State Department of Health and Social Services.

GUEST HOUSE

Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters not rented or otherwise used as a separate dwelling.

GUEST ROOM

A room in a hotel, motel, or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

HABITABLE ROOM

A room in a dwelling unit designed to be used for living, sleeping, eating, or cooking, excluding bathrooms, toilet compartments, closets, halls, storage, and similar space.

HALFWAY HOUSE--GROUP HOME

A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); shelter, supervision and residential rehabilitative services are provided and the home is licensed to operate as such by the State Department of Health and Social Services.

HEIGHT OF BUILDING

The vertical distance from the grade at the front of a building to the highest point of the coping of a flat roof between the eaves and a ridge or to the deck line of a mansard roof or the average height between the plate and ridge of a gable, hip, or gambrel roof.

HELIPORT

An area used or to be used for landing or take-off of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

HOME FOR THE AGED/HOUSING FOR THE ELDERLY

A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance due to age with everyday activities of living in a protected environment.

HOME OCCUPATION OR PROFESSION

Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade and no outside storage of equipment upon the premises.

HOSPITAL

An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

HOUSE TRAILER

A vehicular portable dwelling unit designed especially for short term occupancy; such as travel trailers, campers, house boats, converted buses and other similar units whether self propelled, pulled or hauled and are designed primarily for highway travel.

HOTEL

A building containing 20 or more individual sleeping rooms or suites, having each a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms is made through an inside office or lobby supervised by a person in charge at all hours. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted.

HOUSEHOLD STABLE

A structure not more than 20 feet by 20 feet used for the sheltering of not more than two horses.

HUSBANDRY

The cultivation or production of plants and animals (livestock) and/or the by-products thereof.

ILLEGAL USE

As any use, whether of a building or other structure, or of a tract of land, or body of water in which a violation of any provision of this ordinance has been committed or shall exist.

IMPACT NOISE

A short-duration sound which is incapable of being accurately measured on a sound level meter.

IMPROVEMENT

Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment including street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and trees.

IMPULSIVE NOISE

A sound which is no longer than two (2) seconds in duration, followed by no less than a two-second rest.

INSTITUTION

A nonprofit establishment for public use.

INSTITUTIONAL HOME

A place for the care of babies, children, pensioners or old people.

INTENSE BURNING

Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

INTERCHANGE

A grade separated intersection with one or more turning lanes for travel between intersection lanes.

INTERSECTING STREET

Any street or public way or court, 30 feet or more in width, which joins another at an angle, whether or not it crosses the other.

JUNK

Includes without limitation due to enumeration scrap iron, scrap tin, scrap brass, scrap cooper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

JUNK MERCHANT

Any person, firm, or corporation engaged in the business of buying, selling, exchanging, or dealing in old junk, metals, bottles, syphons, old rope, old iron, brass, copper, tin or lead, secondhand plumbing materials, secondhand gas and electric fixtures, old rubber tires or other used or old articles commonly designated as "junk", and having a store, stand, or place of business.

JUNKYARD

A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, wrecked or dismantled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

KENNEL

Any lots or premises on which four or more dogs or cats, or both, at least four months of age are kept, boarded, or trained, whether in special structures or runways or not.

KITCHEN

Any room used, intended to be used or designed to be used either wholly or partly for cooking and/or the preparation of food.

LABORATORY

A building or part of a building devoted to the testing and analysis of any product or animal (including humans) or to the development of and fabrication of preliminary or pilot models. Also includes a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. No manufacturing is conducted on the premises except for experimental or testing purposes.

LAGOON

A water body in a depression that of an off-shore bar, a beach ridge, or shore doon, with those geomorphic features, either natural or man-made, acting as barriers or dams. Also, a shallow pond, channel, or impoundment connected to a larger body of water.

LAGOONING

The act of creating a lagoon.

LANDFILL

See "Sanitary Landfill".

LAND LINE

Section lines, half-section lines, quarter-section lines, and other property lines established by meets and bounds outside the boundaries of reported land subdivision plats.

LANDSCAPED AREA

An area that is permanently devoted and maintained to the growing of trees, shrubbery, grass and other plant material.

LANDSCAPING

The improvement of a lot, parcel of tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural objects designed and arranged to produce an aesthetically pleasing effect.

LAUNDROMAT

A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEAST RESTRICTIVE DISTRICT

Agricultural Districts are less restrictive than Residential Districts
Residential District are less restrictive than Business Districts
Business Districts are less restrictive than Manufacturing Districts
Manufacturing Districts are less restrictive than Institutional Districts
Institutional Districts are less restrictive than Conservancy Districts
Conservancy Districts are less restrictive than Overlay Districts

LIBRARY

A place in which books, manuscripts, musical scores or other literary and artistic materials are kept for use and only incidentally for sale.

LIVESTOCK-ANIMAL

Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.

LIVING ROOMS

All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

LOADING AREAS

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.

LOADING SPACE

An off-street space, at least 10 feet by 50 feet with a minimum height clearance of 14 feet, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LODGINGHOUSE

A building other than a hotel, where lodging, without meals, for five or more persons is provided for compensation.

LOT

For the purpose of the Kenosha County Zoning Ordinance, a lot shall be defined as a tract of land on which a principal building and its accessory building(s) are or may be placed, together with the required open spaces. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area except in the A-1, A-2, A-3 and A-4 Agricultural Districts.

LOT AREA

The area of a horizontal plane bounded by the front, side, and rear lot lines.

LOT AREA--BUILDABLE

The portion of a lot remaining after required yards have been provided.

LOT, BUILDING

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area and width required by this ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT, CORNER

A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

LOT COVERAGE

That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines bounding a lot.

LOT LINES AND AREA

The peripheral boundary of a parcel of land and the total area lying within such boundaries.

LOT LINE, FRONT

The line separating the lot from the street

LOT LINE, REAR

The line which most nearly qualifies as the line most distant and opposite from the front lot line; where the line is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

LOT LINE, SIDE

Any lot line other than a front lot line or a rear lot line.

LOT OF RECORD

A lot which is part of a recorded subdivision or a parcel of land which has been recorded at the Kenosha County Register of Deeds Office and which has been assigned a property parcel number.

LOT SUBSTANDARD

A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

LOT, THROUGH

A lot, other than a corner lot, having frontage on more than one street.

LOT WIDTH

The width of a parcel of land measured at the rear of the specified street yard.

LUMINANCE

Means the brightness of an object, expressed in terms of footlamberts, determined from other premises or from the street's public right of way, whichever is closer to the sign.

MACHINE SHOPS

Includes without limitation due to enumeration shops with lathes, presses, grinders, shapers, and other wood and metal working machines, such as blacksmith, tinsmith, welding and sheetmetal shops; plumbing, heating and electrical repair and overhaul shops.

MANUFACTURING

The processing and converting of raw, unfinished, or finished materials or products, or any of these into an article or substance of different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MARINA

A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto, is incidental to other activities shall not be considered a marina, nor shall boatdocks accessory to a multiple dwelling where no boat related services are rendered.

MICRON

A unit of length, equal to one thousandth part of one millimeter (.001 millimeter).

MOBILE HOME

A structure or vehicle which is used, titled and registered as living quarters, and contains sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; and is designed for transportation after fabrication on streets

or highways on wheels and arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like.

MOBILE HOME LOT

A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK

A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.

MOBILE HOME STAND

That part of an individual mobile home space which has been planned and improved for the placement of the mobile home and additions or attachments thereto.

MODERATE BURNING

Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MODULAR HOME

A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called "pre-fabricated" or "pre-cut" homes or "double wide" units. For the purpose of this ordinance, modular homes must meet the requirements of all applicable state and local building codes.

MORGUE

A place where the unidentified and derelict dead are at all times received and kept and exposed to public view for the purposes of identification.

MOTEL OR TOURIST CABIN

A building or group of buildings which: (a) Contains living or sleeping accommodations used primarily for transient occupancy, and (b) Has individual entrances from outside the building to serve each such living or sleeping unit.

NAME PLATE SIGN

A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

NAVIGABLE WATERS (11/5/86)

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters which are navigable under the laws of the state. Under section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of the law or administrative rule promulgated thereunder, shoreland ordinances required under section 59.971, Wisconsin Statutes, and Chapter NR115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a navigable river or stream;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during

normal spring high water is navigable in fact under the laws of the state though it may be dry during other seasons.

NET RESIDENTIAL AREA

That portion of a project site designated for residential lots and common open space areas.

NIGHT CLUB

An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

NOXIOUS MATTER

Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NUISANCE

Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

NURSERY

Shall be any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

NURSERY SCHOOL

A place where three or more children are kept for the purpose of providing supplemental parental care, including day nursery, day care home for children, and kindergarten.

NURSING HOME

An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care. See also "Retirement Home" and "Home For The Aged".

OCCUPY

To take or enter upon possession of.

OCTAVE BAND

A prescribed interval of sound frequencies which permits classifying sound according to its pitch.

ODOR THRESHOLD

The lowest concentration of odorous matter in the air that will produce a response in the normal human nose.

ODOROUS MATTER

Any matter or material that yields an odor which is offensive in any way or any matter or material that produces a response in the normal human nose.

OFFICE

A room or building in which a person transacts his business or carries on his stated occupation.

OFFICE BUILDING

A building designed or used only for office purposes.

OFFICIAL LETTER OF MAP AMENDMENT

Official notification from the Federal Emergency Management Agency, (FEMA), Flood Insurance Administration (FIA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

OFFICIALLY APPROVED MEANS OF ACCESS

Those roads that have never been formally dedicated but are maintained by the state, county or town.

ON-SITE SEWAGE DISPOSAL ABSORPTION SYSTEM

Includes a state approved septic or mound system for collection of sanitary waste and eventual absorption of such waste into the surrounding soils.

OPEN SPACE

That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall be considered as open space.

ORDINARY HIGH WATER MARK

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. (11/5/86)

PARK

A pleasure ground set apart for recreation of the public to promote its health and enjoyment.

PARK, AMUSEMENT

An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

PARK, PUBLIC

An area owned by the County or a municipality within the County, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

PARKING AREA

An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least 350 square feet of parking area per parking space to insure adequate aisle widths.

PARKING AREA, PRIVATE

An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

PARKING AREA, PUBLIC

An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING LOT

An open area other than a street used for the parking of more than four automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE

A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile not less than nine feet wide and 20 feet long, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

PARTICULATE MATTER

Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

PARTIES IN INTEREST

Includes all abutting property owners, all property owners within three hundred (300) feet of a parcel and all property owners of opposite frontages and of properties that may be directly and immediately affected by a proposed change in this ordinance.

PARTY WALL

A wall containing no opening which extends from the elevation from building footings to the elevation of the outer surface of the roof or above, and which separates continuous buildings but is in joint use for each building.

PATIO

A terrace extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

PERFORMANCE STANDARD

A criterion established for the purposes of (1) assigning proposed industrial uses to proper districts, and (2) making judgments in the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.

PERMANENT OCCUPANCY

The rental of housing accommodations or rooms on a week-to-week, month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

PERSON

An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

PETS, HOUSEHOLD

Animals commonly found in residences as pets, such as dogs, cats, songbirds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of stable supplement. Household pets shall not include horses, chickens, cows, goats, sheeps, hogs, snakes or other animals not commonly found in residences.

PIERHEAD LINE

A boundary line established along any section of the shore or any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to section 30.13 of the Wisconsin Statutes. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to section 30.12(2) of the Wisconsin Statutes.

PLACE

"To place" means the establishment of a building or structure in a particular location, whether by original construction or erection or by moving a building or structure to a particular location.

PORCH, OPEN

A roof partially supported by columns or wall sections.

PRINCIPAL USE

The primary purpose or function that a lot serves or is intended to serve.

PROFESSIONAL HOME OFFICES

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one half the area of only one floor of the residence and only one non-resident person is employed.

PROFESSIONAL OFFICE

The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.

QUARRY

A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth, for building or other purposes; a stone pit.

QUARRYING

The digging out of stone or slate from an open excavation.

RAILROAD RIGHT OF WAY

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REAR YARD

An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

REGIONAL FLOOD

See Chapter NR116, Wisconsin Administrative Code, section 116.03(24)

REACH

A longitudinal segment of a stream generally including those floodlands where in flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

RECREATIONAL CAMP

An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

RECREATIONAL VEHICLE (RV)

A vehicular type unit initially designed as a temporary living quarters for recreational, camping, or travel use, which either has its own motive power or mounted on or drawn by another vehicle. The basic types of recreational vehicles are:

- (1) Travel trailers. A vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use, and a body length of no more than 35 feet and a body width of no more than 8'6" when factory equipped for the road.
- (2) Truck camper. A portable unit, designed to be loaded onto or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) Motor homes. A vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping or travel use.
- (4) Camping trailer. A vehicular unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfolds at the campsite and is initially designed to provide temporary living quarters for recreational, camping or travel use.
- (5) Vans, buses, and other vehicles when equipped for camping purposes, designed to provide temporary living quarters for recreational, camping or travel use.

RECREATIONAL VEHICLE (RV) PAD

A location on an RV lot or campground site constructed of gravel, asphalt or concrete designed to provide proper drainage for placement of an RV and where possible, having amenities such as sewer, water and electrical connections.

REGIONAL FLOOD

The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a 1 percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

RENDERING PLANT

A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products, such as hide, skin, grease, bones, glue and soap for the storage of such by-products.

REST HOME

An agency, organization or individual providing care for 3 or more sick or aged persons not related by blood or marriage to the operator.

RESTAURANT

A public eating establishment in which the primary function is the preparation and serving of food on the premises.

RESTAURANT WITH DRIVE-IN SERVICE

An establishment designed, in whole or part, to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment.

RETIREMENT HOME

A building or institution for the accommodation of elderly persons, with or without nursing or medical care; provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons for not less than 72 hours per week, such building or institution shall be classified as a nursing home. See also "Nursing Home" and "Home For The Aged".

RIDING STABLE

A building or premises used for the rent or lease of horses or animals for riding.

RIGHT-OF-WAY LINE

The dividing line between a highway and the abutting lots or other divisions of land.

RINGELMANN CHART

One which is described in the U. S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

RINGELMANN NUMBER

The number appearing in the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two consecutive Ringelmann Numbers, the lowest Ringelmann Number shall be considered the density of the smoke observed.

ROW HOUSE

One of a group of three or more houses sharing a common or party wall on one or both side lot lines.

SANITARIUM

A health station or retreat--an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

SANITARY LANDFILL

Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principals of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and

to cover it with a layer of earth at the conclusion of each days operation or at such more frequent intervals as may be necessary.

SCHOOL

A place for systematic instruction in any branch or branches of knowledge.

SEDIMENT

Soils or other surficial materials transported by winds or surface waters as a product of erosion.

SERVICE STATION

See "Gasoline Station".

SETBACK

The distance between a street line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas, except where otherwise restricted by this ordinance.

SHELTER, FALLOUT

A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

SHORELANDS

All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in section 144.26(2)(d) of the Wisconsin Statutes: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof. (11/5/86)

SHORELINES

The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the ordinary high water mark. (11/5/86)

SHORE YARD

A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the ordinary high water mark of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line. (11/5/86)

SIDE YARD

An open unoccupied space within the lot between a side lot line and the parts of the building, structure, or outbuilding nearest thereto. Such side yard shall extend on both sides of the lot through from the street line to the rear line of said lot.

SIGN

Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material or impression on any building, structure, or surface. Signs placed or erected by governmental agencies or nonprofit civic associations or public or private institutions for a public purpose in the public interest shall not be included herein, nor shall this include signs which are a part of the architectural design of a building.

SIGN AREA

The total square or rectangular area of space needed for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

SIGN, BUSINESS

A sign which directs attention to a business, product, service or activity conducted or sold on the premises where the sign is displayed.

SIGN, FLASHING

Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

SIGN, ILLUMINATED

A sign designed to give forth any artificial light or reflect such light from an artificial source.

SIGN, REAL ESTATE

A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

SILT

Soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

SITE

Same as "lot".

SLAUGHTERHOUSE

Any building or premise used for the killing or dressing of cattle, sheep, swine, goats, horses, or poultry and the storage, freezing and curing of meat and preparation of meat products.

SLOW BURNING OR INCOMBUSTIBLE

Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200^oF, shall be designated "incombustible".

SMOKE

Small gasborne particles other than water that form a visible plume in the air.

SMOKE UNIT

The number obtained when the smoke density in Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

SOIL

Any earth, sand, gravel, rock or any similar material.

SOLID WASTE

Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material and waste water effluent or other common water pollutants.

SOUND LEVEL

An operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

SOUND LEVEL METER

An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIAL EXCEPTION

Same as conditional use.

START COMMENCEMENT

The doing of some act upon the ground on which the building is to be erected, and in pursuance of a design to erect, the result of which act would make known to a person viewing the premises, from observation alone, that the erection of a structure on that land had been commenced.

STEEP SLOPE

A slope over twelve percent (12%) grade, which is characterized by increased runoff, erosion and sediment hazards.

STORAGE

Holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

STORAGE CAPACITY

The volume of space available above a given cross-section of a floodplain for the temporary storage of flood water. The storage capacity will vary with stage.

STORE

A use devoted exclusively to the retail sale of a commodity or commodities.

STORY

That portion of a building included between a floor and the floor or roof next above it. A basement is not to be counted as a story unless the ceiling height exceeds four feet above the grade or unless more than 40 percent of the basement is for living purposes.

STORY-HALF

A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

STREET

A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

STREET, ARTERIAL

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways and parkways.

STREET LINE

A dividing line between a lot and a street right-of-way.

STREET YARD

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway centerline or right-of-way line, whichever is more as required by the district regulations and a line parallel thereto through the nearest point of the principal structure. Corner lots and through lots shall have two such yards.

STRIPPING

Any activity which removes the vegetated surface cover, including tree removal, clearing, rubbing and storage or removal of topsoil.

STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURAL REPAIRS

Any repair to the supporting members of a structure, such as bearing walls, columns, beams or girders. Ordinary maintenance repairs such as interior or exterior painting, decorating, panelling, replacing doors and windows, and replacing roof tiles or shingles are not considered structural repairs. (11/5/84)

STRUCTURALLY ALTERED

The making of such a substantial change in the construction, identity, and use of the present building.

STRUCTURE

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner and form.

STRUCTURE, MINOR

Any small, movable accessory erection or construction, such as birdhouses; tool houses; play equipment arbors and walls and fences under four (4) feet in height meeting all street, sides, rear and shore yard setback requirements.

STRUCTURE TEMPORARY

A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

SUBDIVISION ROAD

A town road or other officially approved means of access providing primary access to interior lots located within a subdivision as defined in the Kenosha County Land Division Ordinance.

SUB-LOT

A subordinate and integral part of a lot which lot is identified on a subdivision recorded in the maps and plats records of the Kenosha County Register of Deeds.

SUBSTANTIALLY DAMAGED

Damage sustained by a structure whereby the cost of repairing or restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (2/6/90)

SWIMMING POOL

Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

TEMPORARY USE

A use of land, buildings or structures not intended to be of permanent duration and not located on a parcel for more than 12 months.

THEATER

A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.

TOWN HOUSE

A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

TOXIC MATTER

Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAFFIC LANE

A strip of roadway intended to accommodate a single line of moving vehicles.

TURNING LANES

An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

UNNECESSARY HARDSHIP

The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property. (2/6/90)

UNOBSTRUCTED OPEN SPACE

Land not covered by buildings or structures.

USE

(a) Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or (b) any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

USE PRIVATE

One which is restricted to the occupants of a lot or building, together with their guests, where compensation for such use is not received and where no business or commercial activity is associated with such use or building.

USED CAR LOT

A lot or group of contiguous lots, used for the display and sale of used automobiles and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

VARIANCE

An authorization granted by the Zoning Board of Adjustments to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodland construction that is not protected to the flood protection elevation. (2/6/90)

WAREHOUSE

A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

WETLANDS

Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. (11/5/86)

WIDTH

A dimension measured from side to side at right angles to length.

WRECKING, JUNK, DEMOLITION AND SCRAP YARD

See "Junk Yard".

YARD

An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

ZONE

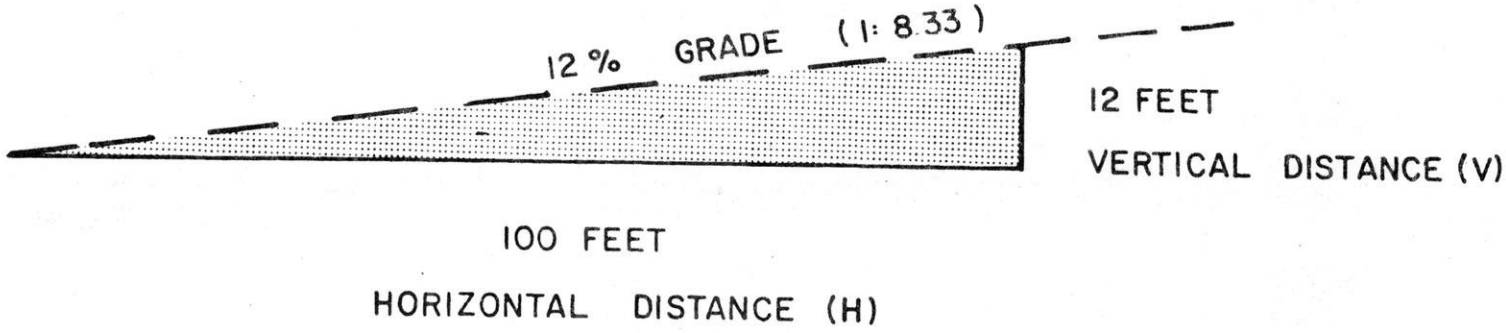
An area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas,

building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

APPENDIX "B"

ILLUSTRATIONS

ILLUSTRATION #1
SLOPE CALCULATION
(Section 12.12-4(i))



SLOPE CALCULATION $\frac{V}{H}$

ILLUSTRATION #2
VISION TRIANGLE
(Section 12.13-1(a))

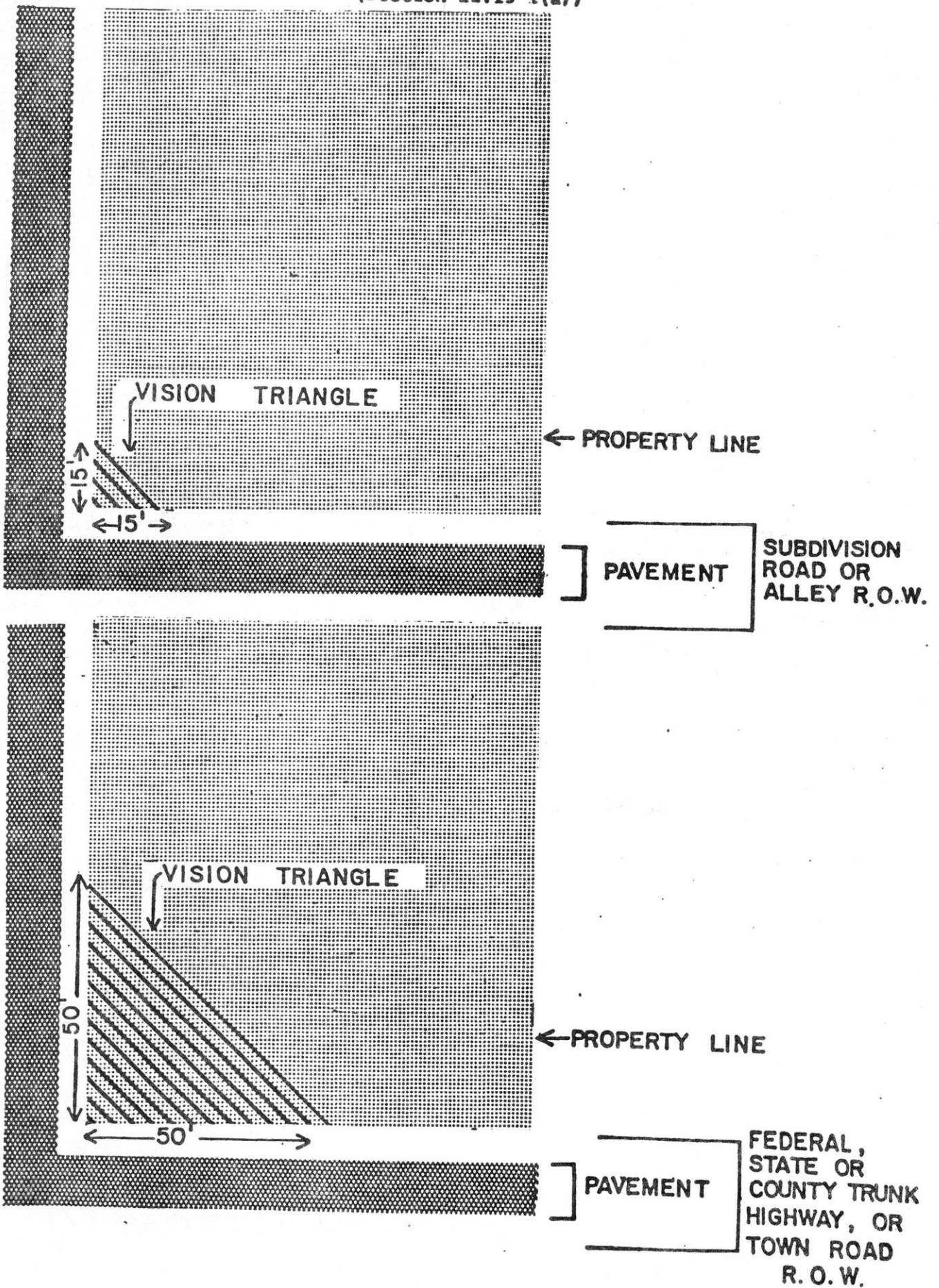


ILLUSTRATION #3
PERMITTED PUBLIC AND PRIVATE ACCESS TO HIGHWAYS
(Section 12.13-4(c))

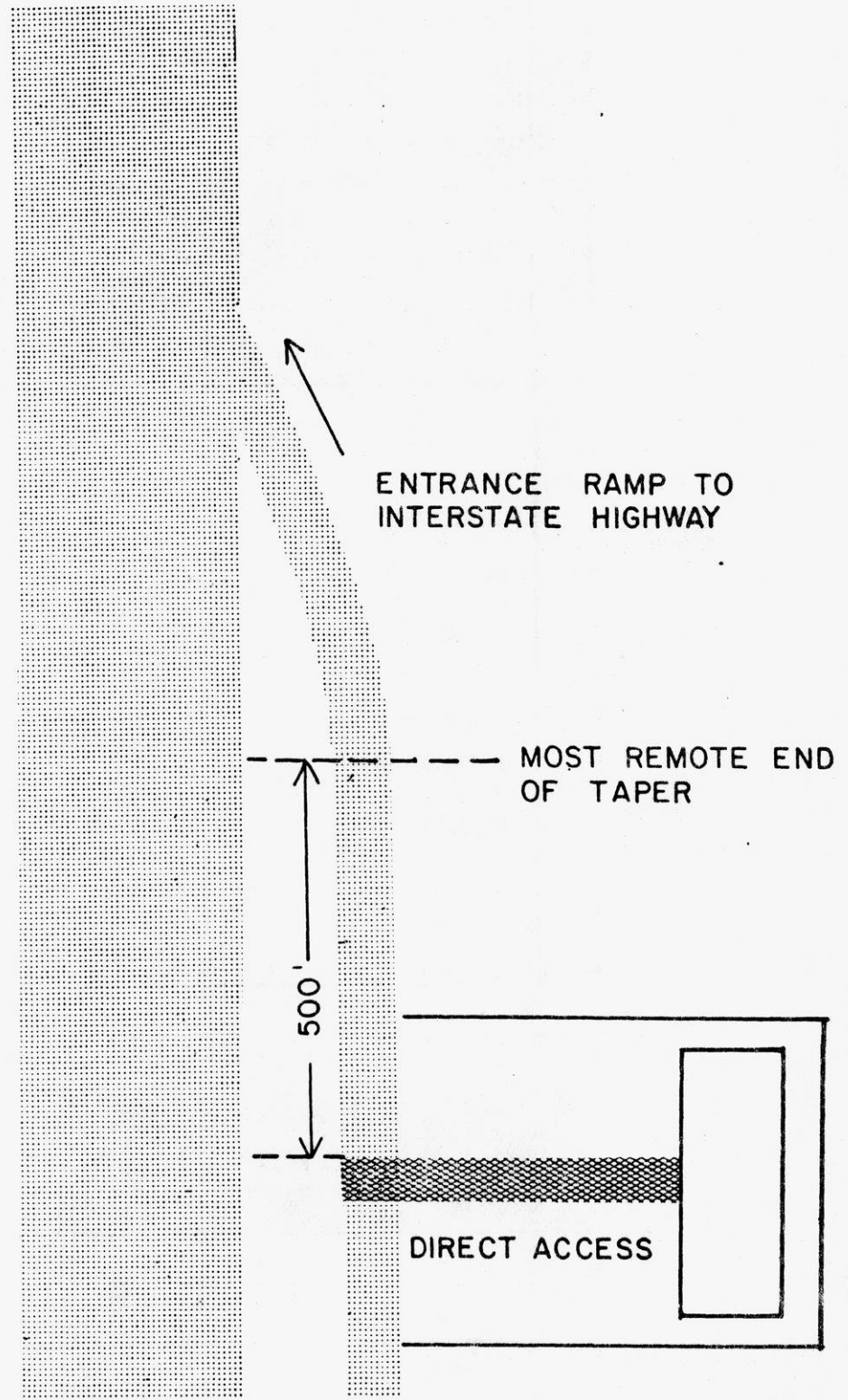
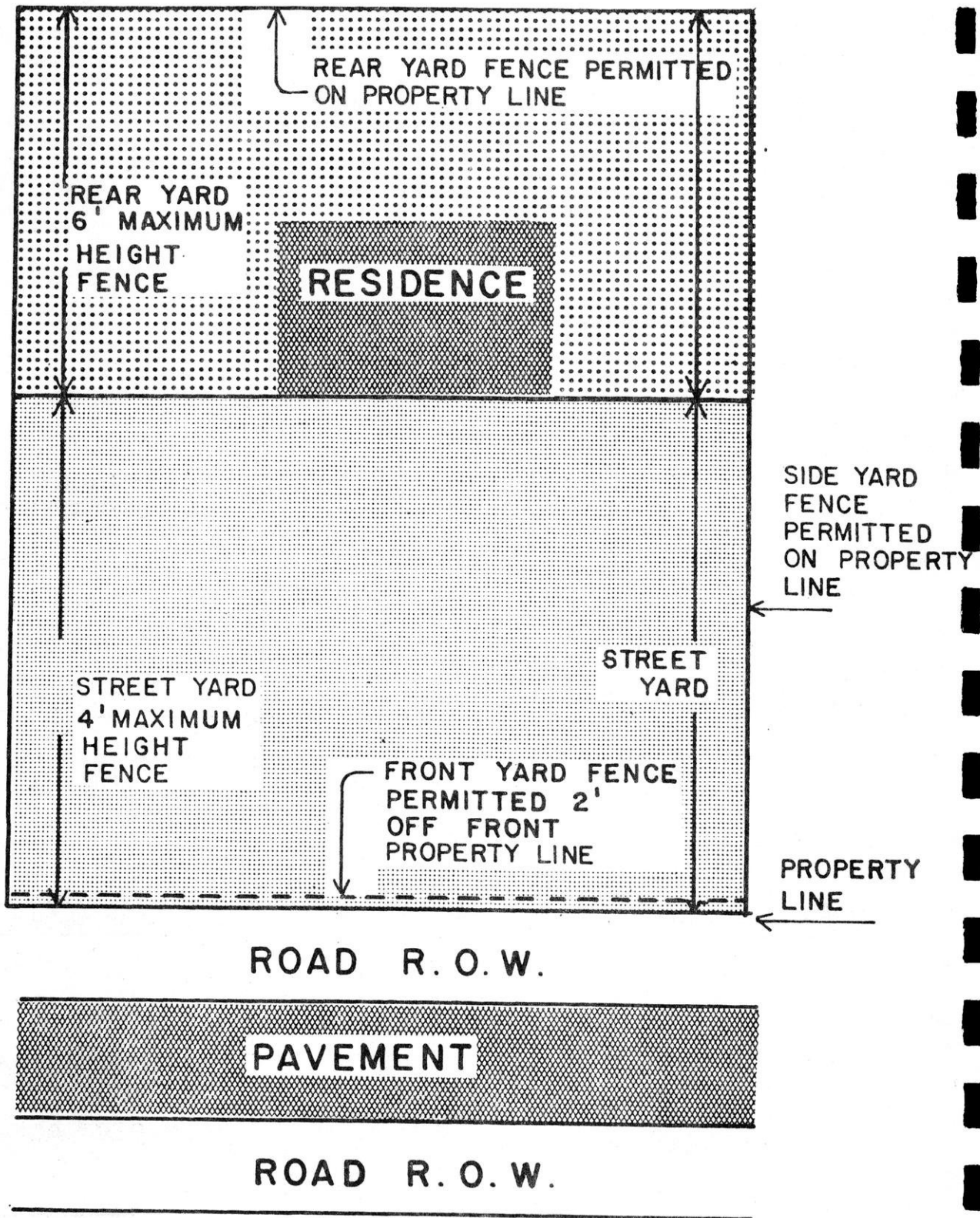


ILLUSTRATION #4
RESIDENTIAL FENCE SETBACKS
(Section 12.15-3(a))



A P P E N D I X "C"

INDEX TO LARGE SCALE TOPOGRAPHIC MAPPING

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>	
Brighton T2N, R20E	1	All	1" = 200'	4/17/86	4/87	1986 Program	
	2	"	2' Contours	"	"	"	
	3	"	"	"	"	"	
	4	"	"	"	"	"	
	5	"	"	"	"	"	
	6	"	"	"	"	"	
	7	"	"	"	"	"	
	8	"	"	"	"	"	
	9	"	"	"	"	"	
	10	"	"	"	4/16/85	2/86	1985 Program
	11	"	"	"	4/17/86	4/87	1986 Program
	12	"	"	"	"	"	"
	13	"	"	"	"	"	"
	14	"	"	"	"	"	"
	15	"	"	"	"	"	"
	16	"	"	"	"	"	"
	17	"	"	"	"	"	"
	18	"	"	"	"	"	"
	19	"	"	"	4/16/85	2/86	1985 Program
	20	"	"	"	"	"	"
	21	"	"	"	"	"	"
	22	"	"	"	"	"	"
	23	"	"	"	"	"	"
	24	"	"	"	"	"	"
	25	"	"	"	"	"	"
	26	"	"	"	"	"	"
	27	"	"	"	"	"	"
	28	"	"	"	"	"	"
	29	"	"	"	"	"	"
	30	"	"	"	"	"	"
	31	"	"	"	4/25/84	Delin. 3/22/85	1984 Topo Program
	32	"	"	"	"	-	"
	33	"	"	"	"	-	"
	34	"	"	"	"	-	"
	35	"	"	"	4/19/83	-	1983 Topo Program
					4/24/83		
36	"	"	"	4/25/84	Delin. 3/22/85	1984 Topo Program	

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Bristol	1 - 12	All	1" = 200'	4/3/90	11/90	1990 Program
T1N, R21E	1	"	2' Contours	4/9/81	-	1981 Topo Program
	2	"	"	"	Delin. 2/82	"
	3	"	"	"	-	"
	4	"	"	"	Delin. 2/82	"
	5	"	"	"	"	"
	6	"	"	"	"	"
	7	"	"	"	-	"
	8	"	"	"	-	"
	9	"	"	"	Delin. 2/82	"
	10	"	"	"	-	"
	11	"	"	"	Delin. 2/82	"
	12	"	"	"	"	"
	13	"	"	"	"	"
	14	"	"	"	"	"
	15	"	"	"	"	"
	16	"	"	"	"	"
	17	"	"	"	-	"
	18	"	"	"	-	"
	19	"	"	4/14/82	-	1982 Topo Program
	20	"	"	"	Delin. 2/21/83	"
	21	"	"	"	"	"
	22	"	"	"	"	"
	23	"	"	"	"	"
	24	"	"	"	Delin. 2/22/83	"
	25	"	"	"	-	"
	26	"	"	"	-	"
	27	"	"	"	-	"
	28	"	"	"	Delin. 2/21/83	"
	29	"	"	"	-	"
	30	"	"	"	-	"
	31	"	"	"	Delin. 2/21/83	"
	32	"	"	"	"	"
	33	"	"	"	"	"
	34	"	"	"	"	"
	35	"	"	"	-	"
	36	"	"	"	-	"

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Paris T2N, R21E	1	All	1" = 200'	4/16/85	2/86	1985 Program
	2	"	2' Contours	3/20/87	2/88	1987 Topo Program
	3	"	"	"	"	"
	4	"	"	"	"	"
	5	"	"	"	"	"
	6	"	"	"	3/88	"
	7	"	"	4/17/86	4/87	1986 Program
	8	"	"	"	"	"
	9	"	"	3/20/87	3/88	1987 Program
	10	"	"	"	"	"
	11	"	"	"	2/88	"
	12	"	"	"	"	"
	13	"	"	4/16/85	2/86	1985 Program
	14	"	"	4/16/85	2/86	1985 Program
	15	"	"	3/20/87	2/88	1987 Topo Program
	16	"	"	"	"	"
	17	"	"	"	"	"
	18	"	"	"	3/88	"
	19	"	"	4/17/86	4/87	1986 Program
	20	"	"	4/16/85	2/86	1985 Program
	21	"	"	"	"	"
	22	"	"	"	"	"
	23	"	"	"	"	"
	24	"	"	"	"	"
	25	"	"	"	"	"
	26	"	"	4/25/84	-	1984 Topo Program
	27	"	"	"	"	"
	28	"	"	"	Delin. 3/22/85	"
	29	"	"	"	Delin. 3/20/85	"
	29	"	"	"	"	"
	30	"	"	4/7/91	12/91	1991 Program
	31	"	"	4/25/84	-	1984 Topo Program
	32	"	"	"	Delin. 3/22/85	"
	32	"	"	"	Delin. 3/20/85	"
	32	"	"	4/7/91	12/91	1991 Program
	33	"	"	4/25/84	Delin. 3/20/85	1984 Topo Program
34	"	"	"	Delin. 3/21/85	"	
35	"	"	"	"	"	
36	"	"	"	Revised 3/85	"	

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Pl.Pr. T1N, R22E	2	SW-1/4	1" = 200'	3/76	-	Kenosha Area
	3	All	2' Contours	4/25/84	-	1984 Topo Program
	4	"	"	E-1/2 - 4/66 W-1/2 - 4/79	-	Lake Freeway Pike River Wtrshd.
	4	"	"	4/3/90	11/90	1990 Program
	5	"	"	4/23/79	-	Pike River Wtrshd.
	6	"	"	5/2/80	Delin. 5/81	1980 Topo Program
	6	"	"	4/7/91	12/91	1991 Program
	7	"	"	4/21/80	Delin. 5/81	1980 Topo Program
	7	"	"	4/7/91	12/91	1991 Program
	8	"	"	E-1/2 - 4/79 W-1/2 - 4/80	-	Pike River Wtrshd.
	9	"	"	E-1/2 - 4/66 W-1/2 - 4/79	Delin. 5/3/83	Lake Freeway Pike River Wtrshd.
	10	"	"	4/25/84	-	1984 Topo Program
	11	"	"	"	-	"
	12	W-1/2	"	4/21/80	-	1980 Topo Program
	13	All	"	"	-	"
	14	"	"	4/25/84	Delin. 3/22/85	1984 Topo Program
	15	"	"	"	"	"
	16	"	"	E-1/2 - 4/66 W-1/2 - 4/80	Revised 5/83	Lake Freeway 1980 Topo Program
	17	"	"	4/21/80	Revised 5/82	"
	18	"	"	"	"	"
	19	"	"	"	"	"
	19	"	"	Nov, 1989	4/90	1989 Program
	20	"	"	4/21/80	Revised 5/82	1980 Topo Program
	20	"	"	Nov, 1989	4/90	1989 Program
	21	"	"	E-1/2 - 4/66 W-1/2 - 4/80	Revised 5/82	Lake Freeway 1980 Topo Program
	22	"	"	4/25/84	"	1984 Topo Program
	23	"	"	"	"	"
	24	"	"	4/21/80	"	1980 Topo Program
	25	"	"	"	"	"
	26	"	"	4/25/84	-	1984 Topo Program
	27	"	"	"	-	"
28	"	"	E-1/2 - 4/66 W-1/2 - 4/80	Revised 5/83	Lake Freeway 1980 Topo Program	
29	"	"	4/21/80	Delin. 5/81	"	
30	"	"	"	Revised 5/82	"	
31	"	"	"	"	"	

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Pl. Pr.	32	All	1" = 200'	4/21/80	Revised 5/82	1980 Topo Program
T1N, R22E	33	"	2' Contours	E-1/2 - 4/66	Revised 5/83	Lake Freeway
	33	"	"	W-1/2 - 4/80		1980 Topo Program
	33	"	"	4/7/91	12/91	1991 Program
	34	"	"	4/25/84	-	1984 Topo Program
	35	"	"	"	-	"
	36	"	"	4/21/80	Revised 5/82	1980 Topo Program
Pl. Pr.	5	All	1" = 200'	4/21/80	Delin. 5/80	1980 Topo Program
T1N, R23E	8	"	2' Contours	"	Delin. 5/81	"
	17	"	"	"	"	"
	18	SW-1/4	"	3/76	Revised 5/82	Kenosha Area
	19	"	"	4/21/80	Revised 5/83	1980 Topo Program
	20	"	"	"	Delin. 5/81	"
	29	"	"	"	"	"
	30	"	"	"	Revised 5/82	"
	31	"	"	"	"	"
	32	"	"	"	"	"
Randall	13	All	1" = 200'	4/1/80	Revised 5/82	1980 Topo Program
T1N, R19E	14	"	2' Contours	"	"	"
	15	"	"	"	"	"
	16	"	"	"	"	"
	17	"	"	"	"	"
	17	"	"	4/7/91	12/91	1991 Program
	18	"	"	4/1/80	Revised 5/82	1980 Topo Program
	18	"	"	4/7/91	12/91	1991 Program
	19	"	"	4/1/80	Revised 5/82	1980 Topo Program
	20	"	"	"	"	"
	21	"	"	"	"	"
	22	"	"	"	"	"
	23	"	"	"	"	"
	24	"	"	"	"	"
	25	"	"	"	Revised 5/83	"
	26	"	"	"	Revised 5/82	"
	27	"	"	"	"	"
	28	"	"	"	"	"
	29	"	"	"	"	"
	30	"	"	"	"	"

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Randall T1N, R19E	31	All	1" - 200'	4/1/80	Revised 5/82	1980 Topo Program
	32	"	2' Contours	"	"	"
	33	"	"	"	"	"
	34	"	"	"	"	"
	35	"	"	"	"	"
	36	"	"	"	Revised 5/83	"
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Salem T1N, R20E	1	"	1" = 200'	4/19/83	Delin. 3/84	1983 Topo Program
	2	"	"	4/24/83	-	"
	3	"	"	"	-	"
	4	"	"	"	-	"
	5	"	"	"	-	"
	6	"	"	"	-	"
	7	"	"	"	Delin. 3/84	"
	8	"	"	"	"	"
	9	"	"	"	"	"
	10	"	"	4/21/80	Revised 5/82	1980 Topo Program
	11	"	"	4/19/83	-	1983 Topo Program
	12	"	"	4/24/83	-	"
	1 - 12	"	"	"	-	"
	13	"	"	4/3/90	11/90	1990 Program
	14	"	"	4/24/83	-	1983 Topo Program
	15	"	"	"	-	"
	16	"	"	"	-	"
	17	"	"	3/19/76	Delin. 5/28/83	Camp Lk./Silver Lk.
	18	"	"	"	"	"
	19	"	"	4/68	Delin. 4/29/83	Fox River Wtrshd.
				E-1/2 - 4/68	Delin. 5/29/83	E-1/2-Fox River Wtrshd.
				W-1/2 - 4/80		W-1/2-1980 Topo Program
	20	"	"	3/19/76	"	Camp Lk./Silver Lk.
	21	"	"	"	"	"
	16 - 21	"	"	"	Delin. 5/2/83	"
	22	"	"	4/3/90	11/90	1990 Program
	23	"	"	4/19/83	-	1983 Topo Program
	24	"	"	4/24/83	-	"
	25	"	"	"	-	"
26	"	"	4/14/82	Delin. 2/21/83	1982 Topo Program	
27	"	"	"	"	"	
28	"	"	"	"	"	
28	"	"	3/19/76	Delin. 5/3/83	Camp Lk./Silver Lk.	
28	"	"	4/3/90	11/90	1990 Program	
29	"	"	3/19/76	Delin. 5/3/83	Camp Lk./Silver Lk.	

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Salem	29	All	1" = 200'	4/3/90	11/90	1990 Program
T1N, R20E	30	"	"	"	"	"
	30	"	"	4/68	"	Fox River Wtrshd.
	31	"	"	4/19/63	Delin. 3/84	1983 Topo Program
	32	"	"	4/24/83	"	"
	33	"	"	"	"	"
	34	"	"	4/14/82	Delin. 2/21/83	1982 Topo Program
	35	"	"	"	"	"
	36	"	"	"	"	"
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Somers	1	"	"	4/70	Delin. 5/83	Parkside
T2N, R22E	2	"	"	W-1/2 - 4/66	"	Lake Freeway
				E-1/2 - 4/70		Parkside
	1 - 2	"	"	Nov, 1989	4/90	1989 Program
	3	"	"	E-1/2 - 4/66	Delin. 5/83	Lake Freeway
				W-1/2 - 9/79		Pike River Wtrshd.
	4	"	"	4/23/79	Delin. 5/83	"
	5	"	"	"	Revised 5/83	"
	6	"	"	5/2/80	Revised 5/82	1980 Topo Program
	7	"	"	"	Delin. 5/81	"
	8	"	"	4/23/79	Revised 5/83	Pike River Wtrshd.
	9	"	"	4/79	Delin. 5/83	"
	10	"	"	4/66	"	Lake Freeway
	11	"	"	4/70	"	Parkside
	12	"	"	"	Delin. 5/4/83	"
	13	"	"	"	Revised 5/83	"
	14	"	"	"	"	"
	11 - 14	"	"	Nov, 1989	4/90	1989 Program
	15	"	"	4/66	Delin. 5/83	Lake Freeway
	16	"	"	4/23/79	-	Pike River Wtrshd.
	17	"	"	"	-	"
	18	"	"	5/2/80	Delin. 5/81	1980 Topo Program
	19	"	"	"	Revised 5/82	"
	20	"	"	4/23/79	Delin. 5/83	Pike River Wtrshd.
	21	"	"	"	Delin. 5/4/83	"
	22	"	"	4/66	"	Lake Freeway
	23	"	"	4/70	Revised 5/83	Parkside
	24	"	"	"	Delin. 5/83	"

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
Somers T2N, R22E	25	N-1/2 SW-1/4	1" = 200'	N-1/2 - 4/70 SW-1/4 - 3/76	Delin. 5/4/83	N-1/2 - Parkside SW-1/4 - Kenosha Area
	26	All	"	4/70	Delin. 5/5/83	Parkside
	27	"	"	4/66	Delin. 5/83	Lake Freeway
	28	"	"	SE-1/4 - 4/66 W-1/2, NE-1/4 - 4/79	"	" Pike River Wtrshd.
	29	"	"	4/23/79	-	"
	29	"	"	11/89	4/90	1989 Program
	30	"	"	5/2/80	Revised 5/82	1980 Topo Program
	31	"	"	"	"	"
	31	"	"	4/7/91	12/91	1991 Program
	32	"	"	4/23/79	-	Pike River Wtrshd.
	32	"	"	11/89	4/90	1989 Program
	33	"	"	W-1/2 - 4/79 E-1/4 - 4/66	Delin. 5/83	Pike River Wtrshd. Lake Freeway
	33	"	"	4/3/90	11/90	1990 Program
	34	"	"	4/66	Delin. 5/83	Lake Freeway
	35	N-1/2	"	4/70	-	Parkside
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Somers Range 23	5	All	1" = 200'	4/70	Delin. 5/83	Parkside
	6	"	"	"	"	"
	7	"	"	"	"	"
	8	NW-1/4	"	"	"	"
	18	All	"	"	"	"
	19	"	"	4/23/79	Delin. 5/5/83	Pike River Wtrshd.
	30	N-1/2 SE-1/4	"	N-1/2 - 4/79 SE-1/4 - 4/80	Delin. 5/83	N-1/2-Pike River Wtsd. SE-1/4-1980 Topo Prgm.
	31	NE-1/4	"	4/21/80	Delin. 5/81	1980 Topo Program
32	W-1/2	"	"	"	"	
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Wheatland T1N, R19E	1	All	"	W-1/2, SE-1/4 4/68 NE-1/4 - 4/81	Delin. 3/29/83	Fox River Wtrshd. 1981 Topo Program
	2	"	"	W-1/2, SE-1/4 - 4/81 NE-1/4 - 5/67	"	"
	1 - 2	"	"	4/3/90	2/91	Fox River Wtrshd. 1990 Program
	3	"	"	4/9/81	Delin. 2/82	1981 Topo Program
	4	"	"	"	"	"
	5	"	"	"	-	"

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>	
Wheatland T1N, R19E	6	All	1" = 200'	4/9/81	-	1981 Topo Program	
	7	"	"	"	Revised 5/82	"	
	7	"	"	4/7/91	12/91	1991 Program	
	8	"	"	"	Revised 5/82	1981 Topo Program	
	9	"	"	"	-	"	
	10	"	"	"	-	"	
	11	"	"	"	Delin. 2/82	"	
	12	"	"	N-1/2 - 4/68 S-1/2 - 4/9/81	Delin. 3/30/83	N-1/2-Fox River Wtsh. S-1/2-1981 Topo Prgm.	
	12	"	"	4/3/90	2/91	1990 Program	
	Town 2	25	"	"	4/9/81	-	1981 Topo Program
		26	"	"	4/68	Delin. 3/30/83	Fox River Wtrshd.
		26	"	"	4/3/90	11/90	1990 Program
27		"	"	4/9/81	Delin. 2/82	1981 Topo Program	
28		"	"	"	-	"	
29		"	"	"	Delin. 2/82	"	
30		"	"	"	"	"	
31		"	"	"	"	"	
32		"	"	"	"	"	
33		"	"	"	"	"	
34		"	"	"	"	"	
35		"	"	4/68	Delin. 4/28/83	Fox River Wtrshd.	
35		"	"	4/3/90	11/90	1990 Program	
36		"	"	SW-1/4 - 5/67 N-1/2, SE-1/4 - 4/81	Delin. 4/28/83	Fox River Wtrshd. 1981 Topo Program	
36		"	"	4/3/90	11/90	1990 Program	
City/Pl. Pr. T1N, R22E		1	"	1" = 200'	April, 1988	--	1988 Topo Program
	2	"	2' Contours	"	--	"	
	12	"	"	"	--	"	
	13	"	"	"	--	"	
City/Pl. Pr. T1N, R23E	6	"	"	"	April 20, 1989	1988 Topo Program	
	7	"	"	3/20/87	2/88	1987 Topo Program	
	18	"	"	"	3/88	"	

<u>TOWNSHIP</u>	<u>SECTION</u>	<u>AREA COVERED</u>	<u>SCALE/CONTOUR INTERVAL</u>	<u>DATE OF PHOTOGRAPHY</u>	<u>DATE OF SHRLD/FLDPLN BOUNDARY DELINEATIONS AND/OR MAP REVISIONS</u>	<u>STUDY</u>
City/Somers	25	All	1" = 200'	April 1988	Delineated April 1989	1988 Topo Program
T2N, R22E	35	"	2' Contours	"	--	"
	36	"	"	"	--	"
T2N, R23E	30	"	"	"	Delineated April 1989	"
	31	"	"	"	"	"





