SECTION 4.0
CONDITIONAL USE PERMITS AND DEVELOPMENT STANDARDS REVIEW

4.01 PURPOSE AND APPLICABILITY

To promote compatible development and to assure that developments are in accordance with the purpose and intent of this Ordinance, each application for a Conditional Use Permit shall be subject to "Development Standards Review". The procedures and development standards for such review are contained in this section. Developments which are subject to Development Standards Review are those listed as "Conditional Uses" in the respective zoning districts.

4.02 REVIEW AUTHORITY - CITY PLAN DIVISION, CITY PLAN COMMISSION OR COMMON COUNCIL

A. Review Authority. Depending on the type of development, one of the following review authorities shall have final decision in the Development Standards Review of Conditional Use Permits.

Development Standards Review Authority-City Plan Division-CPD: Development Standards Review and decision by the City Plan Division.

Development Standards Review Authority Common Council-CC: Development Standards Review and decision by the Common Council.

B. Classification of Conditional Uses. Table 4.01 below, indicates the appropriate Review Authority, CPD, or CC, for each development type.

TABLE 4.01
DEVELOPMENT STANDARDS REVIEW AUTHORITY - - CLASSIFICATION OF CONDITIONAL USES

GROUP 1
RESIDENTIAL CONDITIONAL USES

Development Type	Review Authority
Community living arrangements with a capacity for eight (8) persons in the Rs-1, Rs-2, Rs-3, Rd and Rg-1 Districts	**CC**
Community living arrangements with a capacity for greater than fifteen (15) persons in the Rg-2, Rm-1 and Rm-2 Districts	**CC**
Community living arrangements with a capacity for fifteen (15) or fewer persons in the RR-1, RR-2, A-1, and A-2 Districts	**CC**
Elderly Campus Housing in the Rm-3 District	**CC**
Manufactured/Mobile Home Parks in the Rm-1 & Rm-2 Districts	**CC**
Multiple-family 11 units or less in the Rm-1 District	**CPD**
Multiple-family 11 units or less in the Rm-2 District	**CPD**
Multiple-family 12 units or greater in the Rm-2 District	**CC**
Multiple-family 5 units or less in the Rg-2 District	**CPD**
Planned developments in the Rs-1, Rs-2, Rd, Rm-1, and Rm-2 Districts	**CC**
Residential structures in the FFO District	**CC**
Rooming and boarding houses in the Rg-1, Rg-2, Rm-1, and Rm-2 Districts	**CC**
Storm Water Detention & Retention Basins	**CPD**
Transitional parking for business, manufacturing and institutional uses in the Rs-3, Rg-1 and Rg-2 Districts	**CPD**
Transitional two-family residence in the Rs-3 District	**CPD**
Utility substations	**CPD**
Residential development in the HRPO District	**CC**
Residential development in the PCNO District	**CC**
Single Family attached residences in the B-4 District	**CC**

GROUP 2
BUSINESS CONDITIONAL USES

Development Type	Review Authority
Aluminum collection center in the B-1, B-2 and B-3 Districts	**CC**
Automobile body shop in the B-2 and B-3 Districts	**CC**
Automobile or truck wash in the B-2 and B-3 Districts	**CC**
Brewpub or winery, accessory for a restaurant tavern, cocktail lounge or package store in the B-2, B-3 and B-4 Districts	**CPD**
Business structure in the FFO District	**CC**
Community living arrangements in the B-1, B-2, B-3, and B-4 Districts	**CC**
Commercial developments, such as shopping centers and malls in the B-2 District:	
(a) New developments	**CC**
(b) Additions, enlargements or expansions	**CPD**
(c) Buildings detached from a principal building	**CPD**
(d) Unified Business District	**CC**
Convention center in the B-3 and B-4 District	**CC**
Drive-in theaters in the B-2 District	**CC**
Drive-thru facilities in the B-2, B-3 and B-4 Districts	**CC**
Hotel or motel in the B-2, B-3 and B-4 Districts	**CC**
Multiple-family residences at or above the second story containing 4 units or less in the B-1 District	**CPD**
Multiple-family residences at or above the second story containing 11 units or less	

in the B-2 District . . . . . **CPD**
Multiple-family residences at or above the second story containing 12 units or greater in the B-2 District . . . . . **CC**
Multiple-family residences at or above the second story containing 11 units or less in the B-3 District . . . . . **CPD**
Multiple-family residences at or above the second story containing 12 units or greater in the B-3 District . . . . . **CC**
Outdoor commercial and recreational uses in the B-2 District . . . . . **CC**
Recycling collection center in the B-1, B-2 and B-3 Districts . . . . . **CPD**
Rooming and boarding houses in the B-1, B-2 and B-3 Districts . . . . . **CC**
Storm Water Detention and Retention Basins **CPD**
Utility substations . . . . . **CPD**
Communication towers and antennas in the B-2 District . . . . . **CPD**
Self-service storage facilities in the B-2 District . . . . . **CC**
Automobile fuel station or automobile fuel and service station, including combination convenience store in the B-2 and B-3 Districts . . . . . **CC**
Commercial development in the HRPO District . . . . . **CC**
Body-Piercing Establishment in the B-2 District . **CC**
Tattoo Establishment in the B-2 District . . . . . **CC**
Sexually-Oriented Business, as defined, in the B-2 District . . . . . **CC**
Mixed-Use Development in B-4 District . . . . . **CC**
Radio/Television/Relay Towers and Antennas in the B-2 and B-3 Districts . . . . . **CPD**
Unified Business Center in the B-2, B-3 and B-4 Districts . . . . . **CC**
Large Scale Commercial Development in the B-2, B-3 and B-4 Districts . . . . . **CC**
Convenient Cash Businesses in the B-2 Districts **CC**

GROUP 3
MANUFACTURING USES

Development Type **Review Authority**

Acid manufacturing in the M-2 District . . . . . **CC**
Airports and commercial heliports in the M-1 and M-2 Districts . . . . . **CC**
Aluminum collection center in M-1 and M-2 Districts . . . . . **CPD**
Cement, lime and gypsum manufacturing in the M-2 District . . . . . **CC**
Concrete mixing plant in the M-2 District . . . . . **CC**
Explosives manufacturing in the M-2 District . . . **CC**
Fat & oil rendering & refining in the M-2 District . . . . . **CC**
Fertilizer manufacturing in the M-2 District . . . . **CC**
Glue manufacturing in the M-2 District . . . . . **CC**
Hazardous waste sites and facilities in the M-2 District . . . . . **CC**
Incinerator in M-2 District . . . . . **CC**
Leather tanning & finishing in the M-2 District . **CC**
Manufacturing structures in the FFO District . . **CC**
Mining operations in the M-2 District . . . . . **CC**
Petroleum manufacturing, refining and storage in the M-2 District . . . . . **CC**
Power generating plant in the M-2 District . . . **CC**
Recycling collection center in the M-1 and M-2 Districts . . . . . **CPD**
Resource recovery plant in the M-2 District . . **CC**
Salvage dealers, shops and yards in the M-2 District . . . . . **CC**
Smelting of metals, ores or alloys in the M-2 District . . . . . **CC**
Stockyards or slaughter houses in the M-2 District . . . . . **CC**
Storage yard for construction equipment and materials used by a contractor in the M-1 and M-2 Districts . . . . . **CC**
Storm Water Detention & Retention Basins . **CPD**
Tar and asphalt, including refining and batch plants in M-2 Districts . . . . . **CC**
Truck or freight terminal and/or bulk intermodal distribution center related to air, water and/or land transportation . . . . . **CC**
Utility substations . . . . . **CPD**
Waste disposal, treatment and transportation facility in the M-2 District . . . . . **CC**
Communication towers and antennas in the M-1 and M-2 Districts . . . . . **CPD**
Self-service storage facilities in the M-1 and M-2 Districts . . . . . **CC**
Radio/Television/Relay Towers and Antennas in the M-1 and M-2 Districts . . . . . **CPD**

GROUP 4
INSTITUTIONAL AND OTHER CONDITIONAL USES

Development Type **Review Authority**

Accessory structures in the FW and FFO Districts . . . . . **CC**
Arena, auditorium, exhibition hall and stadium in the IP District . . . . . **CC**
Bed and breakfast establishments in the Rd, B-1, B-2, B-3, B-4 and IP Districts . . . . . **CPD**
Community living arrangements in the IP District . . . . . **CC**
Conditional uses within the C-2 Lowland Resource Conservancy District . . . . . **CPD**
Conference centers . . . . . **CC**
Filling within the FFO District . . . . . **CC**
Institutional structures in the FFO District . . . . **CC**
Municipal water supply and sanitary sewerage systems in the FW and FFO Districts . . . . . **CC**
Open space & related uses

in the FW District . . . . . **CC**
Penal, disciplinary, mental health and reform institutions in the IP District . . . . . **CC**
Rental or lease of pier or dock space in the Rg-2, Rm-1, Rm-2 and IP Districts . . . . . **CC**
Shelter facility in the IP District . . . . . **CC**
Storm Water Detention & Retention Basins . **CPD**
Utility substations . . . . . **CPD**
Financial institutions, including related drive-thru facilities in the IP District . . . . . **CC**
Communication towers and antennas in the IP District . . . . . **CPD**
Institutional development in the HRPO District . . . . . **CC**
Radio/Television/Relay Towers and Antenna in the IP District . . . . . **CPD**
Development consisting of 2 or more Buildings on a single parcel or contiguous parcels in the IP District . . . . . **CC**
A building with 20,000 gross sq. ft. or greater of floor area located in the IP District . . . . . **CC**
Off-Premise Signs in the B-2, M-1 or M-2 Districts . . . . . **CPD**

GROUP 5
AGRICULTURAL RELATED CONDITIONAL USES

Development Type **Review Authority**
Air strips, landing fields, & hangars for personal or agricultural related uses in the A-1 and A-2 Districts . . . . . **CC**
Community living arrangements with a capacity for greater than fifteen (15) persons in the A-1 and A-2 Districts . . . . . **CC**
Housing for farm laborers, seasonal or migratory farm workers in the A-1 and A-2 Districts . . . . **CC**
Second single-family farm related residential dwellings in the A-1 and A-2 Districts . . . . . **CPD**
Storm Water Detention & Retention Basins . **CPD**
Utility substations . . . . . **CPD**
Wind energy conversion system . . . . . **CPD**
Communication towers and antennas in the A-1 and A-2 Districts . . . . . **CPD**

4.03 APPLICATION PROCEDURES AND REQUIRED DOCUMENTS

A. Application. Applications for Conditional Use Permits shall be made in duplicate to the City Plan Division on forms furnished by the City Plan Division and shall include the following:

1. Names and addresses of the applicant, owner of site, architect, professional engineer, and contractor; and,

2. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site (if available); zoning district(s) within which the subject site lies; and, type of structure(s).

3. An Operational Plan detailing the hours of operation, anticipated number of occupants and/or employees, and plans for removal and control of waste and trash. The Operational Plan shall also include any other specific items that may be required under this Section.

B. Plan Data. Plan data shall be submitted to the City Plan Division who shall transmit the above application and accompanying plans to the appropriate Review Authority(ies). Plan data to be submitted with all conditional use applications shall include the following:

1. The **Building Plan** shall show the layout of building(s), size and layout of rooms, design, architect, and other descriptions that may be necessary to properly depict the building(s).

2. The **Site Plan** shall be based on a Plat of Survey prepared by a registered land surveyor and shall include a legal description of the property, and the locations of existing and proposed streets, drives, alleys, easements, right-of-ways, building(s), parking as required, vehicular and pedestrian access points and pedestrian walkways. A graphic outline of any development staging which is planned is required to be shown on the Site Plan. Land uses and zoning classifications of surrounding areas shall be indicated on the Site Plan.

3. The **Drainage Plan** shall show existing topography at a contour interval of not less than two (2') feet; spot elevations of existing buildings, structures, high points, depressions, and wet areas, with any previous flood elevations; floodplain boundaries, if applicable; location of any existing or proposed on-site sewage systems or private water supply systems; the elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD); Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Sections 3.20 and 17.02 are met; data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to **Section 2.08 A.** (this may include any of the information noted in **Section 3.20 C.**; and soil characteristics, where applicable. The Drainage Plan

shall show proposed topography of the site denoting elevations and natural drainage after construction, and the location of any proposed storm water detention/retention areas.

In addition to the above, for all subdivision proposals, as "subdivision" is defined in Section 236, Wisconsin Statutes, and other proposed developments exceeding five (5) acres in area, or where the estimated cost exceeds One Hundred Twenty-five Thousand ($125,000) Dollars, the applicant shall provide:

a. All survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage;
b. An analysis of the effect of the development on the regional flood profile, volocity of flow and floodplain storage capacity;
c. A map showing location and details of vehicular access to lands outside the floodplain; and,
d. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

4. The **Landscape Plan** shall identify the location of existing trees and land forms. The Landscape Plan shall indicate the location, extent and type of all proposed plantings and shall also show the location, height, opaque characteristics, extent and type of any required screening.

5. The **Utility Plan** shall show the location of all utilities: storm sewers, sanitary sewers, water mains, electrical, natural gas and communication (telephone, cable television) lines, and any free standing receiving antennae or dishes. Exterior lighting for parking and other outdoor areas, outdoor signs and building exteriors shall be shown. The location of waste and trash collection areas shall be shown and plans for snow removal from surface areas shall be so indicated.

General Plan Data Provisions. The submission of one or more of the above required plans, or a portion(s) of any one of the plans may be waived by the City Plan Division when such are not applicable for the review of a particular type of development. Separate plans for each of the above are not required. The above five (5) plans may be assimilated into one or more plans provided that the required data is shown.

6. The **Floodproofing Plan** shall, for all sites subject to floodlands - zoning - district requirements be certified by a registered professional engineer or architect that floodproofing measures will protect the structure or development to the flood protection elevation.

Floodproofing measures shall be designed to:
a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
b. Protect structures to the flood protection elevation;
c. Anchor structures to foundations to resist flotation and lateral movement; and,
d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

Floodproofing measures could include:
a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure;
b. Adding mass or weight to prevent flotation;
c. Placing essential utilities above the flood protection elevation;
d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressure;
e. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters; or,
f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

C. Amendments.

1. Any alteration to the required plans after issuance of a Conditional Use Permit requires the submission and approval of amended plans, along with the fees established therefor by the Common Council, from time to time, by Resolution. Any addition to, or expansion or relocation of a conditional use or operation thereof, require an amendment to the Conditional Use Permit, when such additional expansion or relocation is located within the boundaries of the site described in the original plans.

2. When an addition, expansion or relocation extends outside the boundaries of the site described in the original plans, a separate Conditional Use Permit application is required. Approval shall be made by the designated Review Authority prior to issuance of a Building Permit.

4.04 CONDITIONAL USE REVIEW PROCEDURES AND DECISION

A. Preliminary Review. The applicant shall

discuss preliminary plans with the City Plan Division staff prior to application.

B. Documents to be Submitted. The applicant shall submit a completed Conditional Use Permit Application and Plan Data, as directed in **§4.03** of this Ordinance, to the City Plan Division.

C. Fee. The applicant must present to the City Clerk/Treasurer's Office a check payable to the City of Kenosha for the fee established therefor by the Common Council, from time to time, by Resolution, and shall file with the City Plan Division, a paid fee receipt for said amount, from the City Clerk/Treasurer along with the application. The fee shall be determined by locating both the size of the building or addition and the gross acreage of the site in the table. If the building size or addition and the gross acreage of the site determine two (2) different fees, the greater of the two fees shall determine the cost. The application fee entitles the applicant to two (2) permitted reviews one (1) initial review and one (1) resubmittal. All further resubmittals submitted after the two permitted reviews will be conducted upon payment of a resubmittal fee therefor established by the Common Council, from time to time, by Resolution. The review fee for outlots in a Unified Business Center with an approved master plan shall be based on the outlot size, not the entire Unified Business Center size.

D. Notification. The alderman of the aldermanic district in which a proposed conditional use is located and the alderman of any other aldermanic district which is located within one hundred (100') feet of the property lines of the development site (excluding street right-of-ways) shall be notified of the conditional use petition in writing by the City Plan Division. In addition, a copy of all applications for a Conditional Use Permit in floodland districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR).

E. City Plan Division and City Department Review. The City Plan Division will review the Plan Data utilizing the "Development Standards" of **§4.05** of this Ordinance as a review guide and will forward the plans to applicable City Departments for their review. Once City Departmental reviews are completed, the City Plan Division will forward a recommendation to the Review Authority. The above reviews and recommendation shall be completed no later than fifteen (15) working days, excluding the day the application was received, following receipt of the application. An extension of fifteen (15) working days may be granted at the request of the City or the applicant.

F. Review Authority Decision. Depending on the type of development, the appropriate Review Authority will review the application and shall either approve or deny the application utilizing **§4.05** "Development Standards" of this Ordinance as a review guide. Refer to **Table 4.01** of this Section for the appropriate Review Authority. The Review Authority shall use the following procedures in making its decision:

1. Decision Authority.

a. Development Standards Review Authority-City Plan Division-CPD. For developments with conditional uses designated as CPD in Table 4.01, the City Planner will consider the recommendation from the City Plan Division and either approve or deny the application.

b. Development Standards Review Authority-Common Council-CC. For developments with conditional uses designated as CC in Table 4.01, the Common Council will hold a public hearing, consider the recommendation from the City Plan Division and the City Plan Commission, and approve or deny the application. Final action on floodland conditional uses shall not be taken for thirty (30) days or until the Wisconsin DNR has given its recommendation, whichever comes first. Copies of all decisions on conditional uses in a floodland district shall be transmitted to the DNR within ten (10) days following the decision.

2. Recommendations.

a. City Plan Division. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Division shall make a recommendation to the City Plan Commission.

b. City Plan Commission. As a part of the review process for the application subject to approval consideration by the Common Council, the City Plan Commission shall make a recommendation to the Common Council, which recommendation shall include reference to the recommendation of the City Plan Division.

A copy of the decision of the Review Authority shall be mailed to the applicant.

G. Approval. No building or construction permits shall be issued by the Administrator until the appropriate Review Authority (City Council or City Plan Division) has reviewed and approved the Conditional Use Permit plan. Footing and foundation permits may only be granted if each of the following conditions are met:

1. The Review Authority has granted conditional approval.

2. A conditional use plan is submitted and reviewed by each reviewing agency, whereby within ten (10) working days of receipt of the permit information, the review agencies will indicate, via a transmittal form, whether a footing and foundation permit may be issued prior to formal Conditional Use Permit or whether the permit shall be withheld pending formal approval of the CUP application.

3. If one or more reviewing agency states that the footing and foundation permit should not be granted, and the applicant still desires the permit, then within five (5) working days a representative from each reviewing agency will meet and delineate the requirements that must be fulfilled prior to the issuance of a permit. If agreement is not reached, a footing and foundation permit shall not be issued.

4. Footing and foundation permit approval shall be subject to a specific timetable which specifies project completion dates which must be met.

5. Permits may be withheld in order to protect the public safety and welfare of the community, or if in the opinion of the reviewing agency, there is a need of additional information.

H. Appeals. Any petitioner/applicant objecting to any decision of Review Authority-City Plan Division CPD related to the Conditional Use Permit may appeal the decision to the Common Council. Such appeals shall be filed with the City Clerk/Treasurer within thirty (30) days of the decision by the City Plan Division, and shall include the payment of the fee therefor established by the Common Council, from time to time, by Resolution.

The Common Council shall fix a reasonable time for the hearing of an appeal. The Common Council shall notify the appellant of the hearing by mail. At the hearing the appellant shall appear in person or by agent or attorney.

I. Expiration of Conditional Use Permits for Failure to Timely Obtain a Building Permit.

1. Conditional Use Permit With a Single Building. Required Building Permits shall be obtained within six (6) months of the date of the Conditional Use Permit approval by the Review Authority.

2. Conditional Use Permit With Multiple Buildings. The first Building Permit shall be obtained within six (6) months of the date of Conditional Use Permit approval by the Review Authority. Required Building Permits shall be obtained for all remaining buildings within twenty-four (24) months of the date of Conditional Use Permit approval by the Review Authority, unless otherwise specified by the Review Authority, which in no event shall exceed thirty-six (36) months.

3. Failure To Obtain All Required Building Permits. The failure of permittee to obtain all required Building Permits in a timely manner shall result in the expiration of the Conditional Use Permit for all unconstructed buildings and all future development shall cease unless the Review Authority extends the time to obtain Building Permits or unless a new Conditional Use Permit is applied for and approved.

4. Planned Developments. Planned Developments are governed by **Section 3.22** of the Zoning Ordinance.

J. Conditions to Run with the Land. Any conditions applied to a Conditional Use Permit shall run with the land and be binding upon the owner/occupier of the land and upon any subsequent successor owners and occupiers of the land. All conditions applied shall be maintained indefinitely by the property owner/occupier unless and until otherwise approved by the Review Authority.

K. Existing Uses. All uses existing on the effective date of this Ordinance which would be classified as conditional uses in the district in which they are located if they were to be established after the effective date of this Ordinance, are hereby considered conforming conditional uses to the extent of the existing operation only. Any addition, expansion, extension, or relocation in the existing operation shall be subject to the provisions of **§4.0** of this Ordinance.

L. Nonconforming Uses of Buildings and Structures and Nonconforming Uses of Land. All nonconforming uses of buildings and structures and nonconforming uses of land, which are in accordance with **§7.0** of this Ordinance, shall not be required to obtain Conditional Use Permits to the extent of the existing operation only. Any alteration, addition, expansion, extension, relocation, or change of a nonresidential nonconforming use shall conform to the provisions of this Ordinance, including the provisions of **§4.0** of this Ordinance

M. Required Plans and Specifications. An application for a Conditional Use Permit shall not be reviewed by the Reviewing Authority until all of the required plans and specifications are submitted to the Department of City Development in a legible and complete format so as to permit a thorough review. The plans and specifications shall include, but not be

limited to, a Building Plan, Site Plan, Drainage Plan, Landscape Plan, Utility Plan, and other information as required by the Zoning Ordinance and Code of General Ordinances.

N. Deferral or Denial of Applications. Applications for Conditional Use Permits may be deferred to permit or require the correction of errors or omissions in the application or to require the submission of additional information.

Applications for Conditional Use Permits may be denied by the Review Authority under any of the following circumstances:

1. The proposed site or use would result in a violation of the Zoning Ordinance.
2. The proposed site or use would result in a violation of any Federal, State or City law, rule or regulation.
3. The proposed site or use does not meet Federal, State or City environmental laws, rules or regulations.
4. The proposed use is a Prohibited Use under **Section 2** of the Zoning Ordinance.
5. The proposed use is a Restricted Use under **Section 2** of the Zoning Ordinance and the site does not meet the required distance separation requirements.
6. The proposed site or use does not meet the development or additional standards of this Chapter.
7. The applicant has not paid required application fees or posted required assurances.
8. The application was false or misleading in some material respect and the defects were not timely corrected.
9. The proposed use will have a negative impact upon the City's economy as shown on an Economic Impact Assessment.
10. The proposed use will generate motor vehicle traffic of such volume and character as to be unsupportable by the design and construction specifications of existing streets which will service the proposed development as shown on a Traffic Impact Assessment, using as a guideline the Facilities Development Manual of the Wisconsin Department of Transportation, as amended from time to time.

O. Impact Fees. The issuance of a Conditional Use Permit and conduct of Site Plan Review shall be conditioned upon the applicant paying an Impact Fee imposed in accordance with Chapter 35 of the Code of General Ordinances, where not previously imposed as a condition of approval of a Land Division.

4.05 DEVELOPMENT STANDARDS

To establish and define criteria for the review procedures set forth in **§4.04** of this Ordinance, the following Development Standards for Conditional Uses are created:

A. General Provisions.

1. These Development Standards are minimum standards and additional standards or conditions may be required for individual developments when such have a unique set of circumstances. The City Plan Commission may establish and adopt additional standards or conditions for conditional uses, and a copy of such additional standards and conditions shall be on file in the City Plan Division office and available to the public.

2. Should these Development Standards conflict with any other provision of the Ordinance, the most restrictive provision shall apply.

3. The submitted "Development Plans" shall serve as the "Review Documents" which the Review Authority will use in the analysis of the conditional use application.

4. New multifamily residential projects shall not exceed a density of twelve (12) units per acre, except as follows:
a. Projects located in the Central Business District, defined as the area located between 50th Street and 60th Street and between the Chicago and Northwestern Railroad and Lake Michigan, and also including Lots 2-10, Block 73 and Lots 1-3, Block 74, Plat of the Original Town of Southport, may exceed this density if approved by the Review Authority.
b. Projects located within the boundaries of an adopted neighborhood land use and development plan shall conform to the density limitations established in said plans.
c. Projects located in the RM-3 District shall conform to the density limitations established in **Section 3.115** of this Ordinance.
d. Projects located within the B-4 Mixed-Use District may exceed the density if approved by the Review Authority.

B. Building and Architectural Standards. Review Document: "Building Plan"

1. Building size and scale shall respect the physical scale of the surrounding area and the scale of surrounding buildings.

2. The location and orientation of building elements, such as balconies or porches, shall respect the orientation of surrounding buildings or structures.

3. Rooms used for residential purposes shall

provide adequate living area, as required in the Minimum Housing Code of the Code of General Ordinances and the location of all rooms shall be planned to help secure safety from fire, panic and other dangers, including the installation of sprinklers where required.

4. The materials and design of buildings and structures shall complement the surrounding area.

5. Adequate handicap access shall be provided to public buildings and structures as required in the "Building, Heating, Ventilation and Air Conditioning Code" of the Wisconsin Administrative Code.

C. Site Standards. Review Document: "Site Plan"

1. An adequate legal description and proper survey documentation of the property is required. Any easement, covenant or right-of-way, existing or planned, which creates site design constraints shall be indicated. Any design adjustments to these constraints shall not adversely impact the intent of these standards or the provisions of this Ordinance.

2. The location, proportion, and orientation of buildings or structures should respect the location, proportion and orientation of surrounding landforms, buildings or structures.

3. Surrounding land uses and respective zoning classifications should be indicated on the Site Plan. The Review Authority shall consider the impact of the proposed development on the Comprehensive Plan and the Official Zoning Map, as amended. The Review Authority shall use the following criteria when assessing the development's impact on surrounding land uses: the development shall be consistent with the objectives of the Comprehensive Plan, the development shall be compatible with the character and objectives of the zoning district or districts within which it is located, and the development shall be compatible with the character of the neighborhood which surrounds the development.

4. Street, Alley, or Driveway Designations, as outlined on the Site Plan, shall meet the following requirements:

a. Any street, alley, or driveway designation shall be in conformance with the provisions of Chapters 17 and 5 of the Code of General Ordinances.

b. Street or alley locations shall be in conformance with the objectives of the Official Map and the Comprehensive Plan, as amended.

c. Street, alley, or driveway designations shall emphasize a minimum number of access points, but still make the development accessibility convenient, safe, and efficient.

d. Street, alley or driveway designations shall relate to the natural contours of the site, and as many existing landforms as possible should be preserved.

5. Vehicular access, as indicated on the Site Plan, shall meet the following requirements:

a. The design standards of Chapter 5 of the Code of General Ordinances.

b. Intersections of a ninety (90°) degree angle are to be encouraged while other angles are to be discouraged.

c. Vehicular access to any nonresidential structure, use, parking or loading facility shall not be gained across land zoned for a residential use, except if the Review Authority authorizes such access.

d. Adequate access for emergency vehicles shall be maintained.

6. Any off-street parking area, as indicated on the Site Plan, shall meet the following requirements:

a. The design standards of Chapter 5, §5.08 of the Code of General Ordinances.

b. The screening and parking requirements of **§6.01** "Parking Requirements" of this Ordinance.

7. Pedestrian Access, as indicated on the Site Plan, shall meet the following requirements:

a. The design standards of Chapter 5, §5.05 of the Code of General Ordinances.

b. Separation of pedestrian and vehicular access shall be encouraged; however, adequate pathways or sidewalks shall be required to connect dwelling units to parking areas and other accessory uses.

D. Drainage Standards. Review Document: "Drainage Plan"

1. A topographic analysis by the Review Authority shall consider: contours, elevations, and slopes; spot elevations of existing buildings and structures; spot elevations of rock outcroppings, high points, water courses, depressions, ponds, and marsh areas, with any previous flood elevations; floodplain boundaries, if applicable; and test pits or borings if required to determine subsoil conditions.

2. The Review Authority shall analyze the Drainage Plan to assure that the following conditions are met:

a. To the extent possible, surface water runoff on the site shall be absorbed or retained on the site so that the quantity and rate of water leaving the site would not be significantly different than if the site had remained undeveloped.

b. If drainage from the proposed development is proposed to be discharged, it shall be discharged in a manner approved by the City Engineer.

c. The proposed development shall not create or increase surface water runoff or buildups on adjoining or adjacent properties.

d. Nonresidential uses and all parking areas, shall not discharge surface water onto any property zoned residential unless such drainage is acceptable to the City Engineer.

e. All floodland developments shall be elevated or floodproofed to an elevation at least two (2') feet above the elevation of the regional flood.

f. Floodland developments shall not increase flood stages and flood discharges beyond the limits set forth in **§3.20** and **§3.21** of this Ordinance.

g. Storm water detention and retention basins which serve property not covered by the permit application shall be constructed only where authorized by a duly adopted master or neighborhood plan.

3. The Review Authority may require site grading:

a. To create drainage swales;

b. To create berms as noise, wind or visual homers;

c. To correct undesirable landforms;

d. To get above unfavorable subgrade conditions such as groundwater;

e. To create, emphasize or control circulation routes such as paths or roads;

f. To relate the site to the surrounding area;

g. To prevent erosion and sedimentation; and,

h. To provide retention basins for development of five (5) acres or more when such basins or other retention means are required to retain and limit any surface water runoff to its original state prior to development.

E. Landscape Standards. Review Document: "Landscape Plan"

1. The Review Authority shall review the proposed landscaping to assure that it will accomplish the following purposes:

a. Maintaining and promoting general aesthetics by preserving existing vegetation or land forms or by requiring new landscaping, both helping to blend buildings and other structures with the landscape;

b. Circulation control by directing pedestrian and vehicular traffic with appropriate locations of landscaping;

c. Environmental control by preventing erosion or sedimentation;

d. Adjacent property protection by requiring the screening of incompatible uses; and off-street parking facilities; and,

e. Landscape quality by requiring appropriate plant or fence types based on climate, variety, hardiness, and maintenance.

2. Specific screening standards which the review body shall require include:

a. The Review Authority may require any conditional use or portion thereof, except a transitional two-family residence, to be screened when such use is adjacent to or across an alley from a single or two family residential district.

b. All off-street parking areas for five (5) or more vehicles which are adjacent to or across an alley from a residential district, shall be effectively screened as required and as outlined in **§6.01** "Parking Requirements" of this Ordinance.

c. Screening shall be accomplished by a fence, wall, berm, landscaping, or some combination thereof, constituting an opaque characteristic which obscures from horizontal view, a particular use, building or structure. Such screen shall not be less than four (4) feet in height except where reduced heights are required in **§2.06** "Visual Clearance" of this Ordinance. The Board may authorize an exception to the screening requirement and standards where an existing screen is on the lot adjacent to the use, building or structure required to be screened, or where special circumstances render a screen unnecessary. The Board may approve a special permit authorizing an exception only after applying the standards of **§9.05 C**. of this Ordinance and only where specific physical conditions exist which make it impractical to meet the screening requirement and standards. An approved special permit authorizing an exception shall run with the land for the use, building or structure being screened.

F. Utility Standards, Review Document: "Utility Plan"

1. Utility Systems.

a. Storm sewer, sanitary sewer, and water utility systems, as outlined in the Utility Plan, shall meet the requirements of Chapter 5, of the Code of General Ordinances. These provisions may require the designation of easements providing access for public street lighting purposes.

b. Electric, gas and telephone utility systems, as designated on the Utility Plan, shall meet the requirements of the respective utility company's rules and regulations.

c. Cable television systems, as designated on the Utility Plan, shall meet the requirements of Chapter 26, "Cable T.V." of the Code of General Ordinances.

d. Utility systems shall be placed in accordance with City Ordinances and utility companies' rules and regulations. The Review Authority may require the

underground installation of lines and distribution points, the elimination of poles and overhead lines, or the simultaneous organization and installation of utility systems. New subdivisions require underground installation of utility systems per Chapter 17 "Regulating the Division and Platting of Land", §17.06 of the Code of General Ordinances.

2. Exterior Lighting.

a. Off-Street Parking Area Lighting. Exterior lighting, when illuminating off-street parking areas for five (5) or more vehicles, shall meet the design requirements of Chapter 5 of the Code of General Ordinances.

b. Outdoor Sign Lighting. Exterior lighting, when illuminating outdoor signs, shall meet the requirements of Chapter 15 of the Code of General Ordinances.

c. Other Exterior Lighting. Any lighting source on any building, structure, or site which is for the purpose of illuminating any structure exterior or outdoor area shall be established in a manner which satisfies the following conditions:

(1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the use being illuminated.

(2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(3) When within one hundred fifty (150') feet of a residential district, as measured along or across any street, such lighting shall be constant and not flashing, intermittent or animated in any way.

3. Waste/Trash Storage. All conditional uses, except single and two-family residences may be required to provide designated areas, as designated on the Utility Plan, for the storage of waste and trash and shall conform to the following standards:

a. Such areas shall be screened, as defined in **§4.05 E.2.c.** of this Ordinance, from the view of any single-family or two-family residential district, when such storage area is located adjacent to or across an alley from a single-family or two-family residential district;

b. Such area shall meet the accessory yard requirements of the district in which it is located;

c. Such facilities shall be a minimum of a two (2) cubic yard container readily accessible and located on a hard surfaced area; and,

d. Such areas shall meet the standards of Chapter 5, §5.06 "Waste Collection and Removal" of the Code of General Ordinances.

4. Snow Removal. All residential conditional uses, except single and two-family residences, shall indicate on the Utility Plan adequate provisions for the removal of snow from off-street parking areas and other outdoor areas.

4.06 ADDITIONAL STANDARDS AND SUBMITTALS REQUIRED FOR CONDITIONAL USE PERMITS

A. RESIDENTIAL CONDITIONAL USES

1. Community Living Arrangement (CLA).

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout of building and any planned additions including size and layout of rooms.

(2) Total square footage of building and total living space in square feet.

(3) Number of bedrooms and number of beds per bedroom.

(4) Handicap and emergency access and exit.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Location and "footprint" of building(s) and structure(s).

(2) Off-street parking area.

(3) Proposed landscaping.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Name and address of CLA operator.

(2) Proposed operation and supervision including the type of CLA and programs offered.

(3) Number of employees.

(4) Proposed bed capacity and total number of occupants of the structure including any residents not under residential care.

g. Upon receipt of all necessary information and permit fee, the City Plan Division may request the Wisconsin Department of Health and Social Services (DHSS) to inspect the proposed CLA and review the proposed operation. Approval of the Department may be a condition of approval. The same shall apply to any other applicable agency or department, such as the Federal Veterans Administration. Comments or reports on the proposed CLA received from such agencies will be considered.

h. Compliance with Chapter HSS-3 Wisconsin Administrative Code, Chapter 50, Wisconsin Statutes, and all other applicable licensing regulations of the Wisconsin DHSS and other agencies.

i. Compliance with all applicable State and local Housing, Building, and Fire Codes.

j. Adequate off-street visitor and employee

parking. The Council may require more parking than is normally required if special characteristics of the CLA warrant such additional parking.

k. In the business zoning districts, all proposed residential uses are to be above the first floor.

l. CLA shall not be within 2,500 feet of another CLA unless granted an exception by the Council.

m. The total licensed population of all CLAs in the Aldermanic District shall not exceed 25 or one (1%) percent of the district population, whichever is greater, unless granted an exception by the Council.

n. No outdoor signs.

o. CLA exterior appearance and proposed operation must be compatible with surrounding residences when in a residential district or surrounding uses when in a business or IP District.

p. A reduction of CLA population in an over capacity Aldermanic District, as a result of the proposed facility, will be viewed as favorable.

q. When the proposed CLA is not within one half mile (2,640 feet), measured from property line to property line, of a public park, the CLA shall provide 75 square feet of open recreational space on the property per bed.

r. The Council shall use the following factors when reviewing the proposed capacity (density) of the CLA:

(1) Per person living space requirements of Chapter HSS-3 Wisconsin Administrative Code, Federal Veterans Administration (VA) Regulations, the City of Kenosha Minimum Housing Code and other applicable requirements. In no case shall the Council approve a capacity which would provide less living space per person than State or VA requirements.

(2) Ambulatory and physical nature of residents.

(3) Densities of residential uses within the surrounding neighborhood.

(4) Density data available from the U.S. Census Bureau for the City.

(5) Densities of other CLAs the Council has reviewed since March 28, 1978 (adoption of Statutory CLA standards).

(6) Densities of other similar CLAs in the City.

(7) Type of CLA building and room layout.

(8) Proposed living and working space arrangement for residents, houseparents and other employees.

(9) Area and configuration of the CLA lot.

(10) Comments from the Wisconsin DHSS, VA, Kenosha County Comprehensive Board and other applicable agencies.

s. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

2. Manufactured/Mobile Home Park in the Rm-1 and Rm-2 District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Standards outlined in **Chapter 20** of the General Code of Ordinances.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

3. Multi-Family Developments.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Construction commencement and completion dates.

(2) Management or operational control.

(3) Deed restrictions.

(4) Bylaws or property owners association articles of incorporation.

g. Grouped Multiple-Family Development. In the case of a multiple-family development consisting of a group of two (2) or more buildings to be constructed on a plot of ground where the existing or proposed street and lot layout make it impractical to apply the requirements of this Ordinance to the individual building units in such development, the application of such requirements to such development shall be done by the Review Authority in a manner that will insure substantially the same character of occupancy, density of use, and minimum standards of open spaces as permitted in the district in which the proposed development is to be located.

The Review Authority shall not authorize a use of land or a building height which is prohibited in the district in which the multiple-family development is to be located, or a smaller lot area per family than the minimum required under this Ordinance in such district.

h. Yards for Grouped Multiple-Family Development. The Review Authority may vary the district yard requirements for individual building units

in a grouped multiple-family development provided that adequate open space is maintained, provided that a minimum yard of twenty (20) feet is maintained between buildings, and provided that along the periphery of such development, the following minimum yards shall be maintained set back from the right-of-way of any street or from the setback line of any major street:

(1) Front yard. Minimum twenty-five (25') feet.

(2) Street side yard. Minimum twenty-five (25) feet.

(3) Rear yard. Minimum twenty-five (25) feet.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

4. Planned Developments.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.06 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 5.** of the Zoning Ordinance.

f. Standards outlined in **§3.22** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the communities as a whole.

5. Structures and Filling within the Floodplain Fringe Overlay (FFO) District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) When permitted, manufacturing and accessory buildings and structures shall include a plan indicating how the structure will be floodproofed and constructed so as to not catch or collect debris or be damaged by floodwaters.

(2) This plan shall be 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.

(3) Plans for municipal water supply and sanitary sewerage systems shall indicate that the system is floodproofed to an elevation at least two feet above the elevation of the 100 year recurrence interval flood and is designed to eliminate or minimize infiltration of floodwater into the system.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points and wet areas, along with any previous flood elevations.

(2) Floodplain boundaries.

(3) Soil characteristics of surrounding area and fill.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention area.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operation Plan which includes:

(1) Show that the use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodplain or adjacent floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters.

(2) Show plans for filling so that the elevation of the building or structure is at least two (2) feet above the elevation of the 100 year recurrence interval flood, including elevations around the entire building or structure, and the location of contiguous lands outside the floodplain which will be used for flood water rescue and relief problems.

(3) Plans for removal of any lands from the FFO district and a copy of the accompanying rezoning petition letter.

(4) Include a copy(ies) of any required water use permit pursuant to Chapter 30 of the Wisconsin Statutes or wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act.

g. Requirements of **§3.21** of this Ordinance shall apply.

h. Any use requiring a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

6. Additional Standards for Transitional Parking for Business, Manufacturing, Institutional and Other Uses. Parking facilities, as defined by this Ordinance, accessory to a use within a business, manufacturing, or institutional district may be authorized through a Conditional Use Permit to be located within the Rs-3, Rg-1, or Rg-2 districts, provided that such facilities are solely for the use of employees or customers of the use to which it is accessory.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Location and "footprint" of any building(s) or structure(s) including all exterior signs.

(2) Location of existing and proposed streets, driveways, alleys, easements, right-of-ways and sidewalks.

(3) Parking lot layout including the location and dimensions of all parking spaces, aisles, wheel bumper stops, traffic islands and other parking lot structures.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan.

(1) Describe use (business, office, manufacturer, industry or institution) being served.

(2) Describe how the parking facility will be used (e.g., to be used by employees and/or customers, the time of day to be used, etc.)

g. The parking facility shall be located on a lot which abuts or is across an alley from a Business, Manufacturing or an Institutional Park District and shall not be located in any building or structure.

h. No portion of the facility shall extend more than 65 feet from the boundary of the nonresidential zoning district.

i. A 25 foot front yard and 5 foot interior side yard shall be maintained. No street side yard or rear yard is required.

j. The facility shall be used solely for the parking of vehicles which shall not exceed 12,000 pounds gross weight. Parking of truck tractors, semi-trailers and container vans are expressly prohibited.

k. No repair or servicing of motor vehicles, or the manufacturing, production, preparation or construction of any material is allowed in the facility.

l. Each driveway to the facility shall be at least six (6) feet from any adjacent residential property.

m. The facility shall comply with the parking and driveway design standards of §5.08 and §5.085 of the City Code of General Ordinances, which requires review and approval by the City Traffic Engineer, and the parking requirements of **§6.01** of the City Zoning Ordinance, including the requirement that the facility shall be screened (fenced or landscaped) along any side of the facility which is adjacent or across an alley from a residential zoning district.

n. At intersections with streets and alleys, the facility shall comply with the applicable requirements of **§2.06** "Visual Clearance" of the City Zoning Ordinance.

o. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

7. Bed and Breakfast Establishments.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The location of all off-street parking.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. The establishment shall be occupied by the owner or an employee during the period of rental.

g. Meals shall only be served to guests of the establishment.

h. Adequate space shall be available for off-street parking.

i. Compliance with Chapter 4.062 of the Code of General Ordinances.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

8. Transitional Two-Family Residence in the Rs-3 District.

a. Building Plan as required in **4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F**. of the Zoning Ordinance.

f. The residence shall be located on a lot which is adjacent to a or across an alley from a less restrictive zoning district (all zoning districts except the Rs-1, Rs-2, and IP Districts).

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

9. Second Single-family, Farm Related Dwelling in the A-1 and A-2 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) The only accessory uses permitted in conjunction with the second single-family farm related

residential dwelling shall be a garage, carport and home occupation.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The second dwelling shall be placed on a parcel separated from the farm parcel.

(2) The second dwelling shall provide a minimum lot area of five (5) acres and no parcel shall be less than 300 feet in width at the highway right-of-way line. If municipal sanitary sewerage service is provided to the structure, the lot area requirement may be reduced to a minimum of 20,000 square feet with a minimum lot width of 125 feet.

(3) Any new five (5) acre parcel created for a second single-family residential 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. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. The second single-family farm dwelling shall be occupied by a person or a family of which at least one member earns a substantial part of his or her livelihood from farm operations on the parcel or is a parent or child of the operator of the farm.

f. A 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 Review Authority before issuance of a Conditional Use Permit may be considered.

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

10. Housing for Seasonal or Migratory Farm Workers in the A-1 and A-2 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Not more than one dwelling for farm laborers shall be permitted per farm.

g. 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.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety, or welfare of abutting or neighboring properties or the City as a whole.

11. Housing for Farm Laborers in the A-1 and A-2 Districts.

a. The standards outlined in **§4.06 A.11.** should apply.

12. Rooming and Boarding House in the Rg-1, Rg-2, Rm-1, Rm-2, B-1, B-2 and B-3 Districts.

a. Building Plan as required in **§4.05 B.** of this Ordinance, plus:

(1) Layout of building and any planned additions including size and layout of rooms.

(2) Total area of building and total living space in square feet.

(3) Number of bedrooms and number of beds per room.

(4) Designation of common facilities.

(5) Handicap and emergency access and exits.

b. Site Plan as required in **§4.05 C.** of this Ordinance.

(1) Location of all buildings and structures.

(2) Designation of off-street parking areas.

c. Drainage Plan as required in **§4.05 D.** of this Ordinance.

d. Landscape Plan as required in **§4.05 E.** of this Ordinance.

e. Utility Plan as required in **§4.05 F.** of this Ordinance.

f. Operational Plan, which includes:

(1) Name and address of rooming and boarding house operation.

(2) Proposed operation and supervision of facility.

(3) Facility maintenance plan.

(4) Maximum bed capacity and total number of occupants of the structure.

g. Compliance with Wisconsin Department of Health and Social Services requirements of HSS 195.

h. Procuring City license and subsequent annual renewals and compliance with said license.

i. Compliance with all applicable State and local Housing, Building and Fire Codes.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

13. Elderly Campus Housing in the Rm-3 District.

a. Building Plan as required in **Section 4.05 B.** of the Zoning Ordinance, plus:

(1) Building plan as required in **Section 4.05 B.** and **Section 14** of the Zoning Ordinance, plus elevations.

(2) Any planned additions and proposed dates, including size and layout of rooms.

(3) Total square footage of building and total living space in square feet.

(4) Handicap and emergency access and exit.

b. Site Plan as required in **Section 4.05 C.** and **Section 14** of the Zoning Ordinance, plus:

(1) Location and footprint of building(s) and structure(s).

(2) General areas to be landscaped.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** and **Section 14** of the Zoning Ordinance.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the Zoning Ordinance.

f. Operational Plan, which includes:

(1) Construction commencement and completion dates.

(2) Proposed operation and supervision, including the type of services and programs offered, security provided, and emergency response system.

(3) Management or operational control.

(4) Number of employees.

(5) The development shall be maintained and operated in compliance with **Section 3.28** of this Ordinance.

g. Grouped Multi-Family Development. In the case of a multi-family development consisting of a group of two (2) or more buildings to be constructed on a plot of ground where the existing or proposed street and lot layout make it impractical to apply the requirements of this Ordinance to the individual building units in such development, the application of such requirements to such development shall be done by the Review Authority in a manner that will insure substantially the same character of occupancy, density of use and minimum standards of open spaces as permitted in the district in which the proposed development is to be located.

The Review Authority shall not authorize a use of land or a building height which is prohibited in the district in which the multi-family development is to be located, or a smaller lot area per family than the minimum required under this Ordinance in such district.

h. Yards for Grouped Multi-Family Development. The Review Authority may vary the district yard requirements for individual building units in grouped multiple-family development provided that adequate open space is maintained, provided that a minimum yard of twenty (20') feet is maintained between buildings, and provided that along the periphery of such development, the following minimum yard shall be maintained setback from the right-of-way of any street or from the setback line of any major street.

(1) Front Yard. Minimum twenty-five (25') feet.

(2) Street Side Yard. Minimum twenty-five (25') feet.

(3) Rear Yard. Minimum twenty-five (25') feet.

i. Yards for Non-Grouped Multiple-Family Development. Requirements of the Rm-3 Zoning District shall apply.

j. Accessibility: Coordination and Safety. The site shall be designed for safe circulation and access of vehicular and pedestrian traffic. Pedestrian paths shall be installed throughout the site to public transit facilities. The Americans With Disabilities Act Accessibility Guidelines for buildings and facilities shall be adopted by reference as the minimum standard unless otherwise noted.

k. Accessibility: Pedestrian.

(1) Walkways shall be a minimum of forty-eight (48") inches.

(2) Pathways shall be non-slip and non-glare with good drainage.

(3) Site's slope shall be limited to an average five (5%) percent.

(4) Ramps and stairs shall be provided when grade changes exceed five (5%) percent.

(5) Major on-site route shall be limited to a five (5%) percent slope, building entries two and one-half (2.5%) percent with no steps, and other pedestrian routes to an average of six (6%) percent or ten (10%) percent for a maximum of seventy-five (75') feet.

(6) Stairs shall be nonslip and nonglare.

l. Parking.

(1) The facility's parking area shall be close to the entry, well lighted, and equipped with adequate curb cuts/ramps.

(2) A covered, convenient dropoff zone for the main entrance shall be located out of the traffic flow.

(3) Parking shall be provided according to **Section 6.0** of this Ordinance.

(4) The slope of the site's parking area shall not exceed five (5%) percent.

m. Pedestrian Ramps.

(1) Ramps shall be provided if the site grade is greater than five (5%) percent.

(2) Paired flared curb ramps shall be offset to allow defined curb at corner.

(3) Ramps shall be of a nonslip surface with raised markings to alert the visually impaired.

n. Outdoor Lighting.

(1) Sidewalks and entrance shall be well-lighted as approved by the City's Department of Public Works.

(2) Lighting shall be used for pathways as a way to increase visibility as approved by the City's Department of Public Works.

o. Community Facilities.

(1) Community facilities consisting of a T.V. room or multipurpose room shall be provided in all developments. Developments which do not provide a kitchen or kitchenette in each dwelling unit shall also provide a common dining facility. The dining facility, if required, shall be operated so as to provide no less

than one (1) meal to all residents each day. The following facilities may also be provided: game room, craft room, music room, library or exercise room.

(2) Such facilities shall be provided at the ratio of at least 15 s.f. per bedroom or 7.5 s.f. per bed, whichever is greater.

p. Compliance with all applicable State and local housing, building and fire codes. Assisted living facilities shall also be in compliance with Chapter HFS-89, Wisconsin Administrative Code, Chapter 50, Wisconsin Statutes, and all other applicable regulations of the Wisconsin Department of Health and Family Services (DHFS) and other State agencies having jurisdiction thereover.

q. Open Space. A minimum of fifty (50%) percent of the lot shall be devoted to open space. Open space does not include impervious areas, floodplains or wetlands.

r. Conversion to Conventional Multifamily. Conversion from elderly and handicapped housing to conventional multifamily housing shall not be permitted. A duly recorded deed restriction to this effect shall be required in a form drafted or approved by the City Attorney as a condition of occupancy.

s. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

14. Residential Development in the HRPO District.

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Development standards of the Harborpark Neighborhood Code required in **Section 3.29** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

15. Residential Development in the PCNO District.

a. Building Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Development Standards of the Pike Creek Neighborhood Code required in **Section 3.30** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

16. Single Family Attached Residences in the RG-2 and B-4 Districts.

a. Building Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance. Single family attached residential buildings shall conform with the exterior building variation guidelines set forth in **Section 14.07 B.11.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Primary Entrance. The primary entrance(s) for each residence shall be located along a street-facing facade of the principal building. Each primary entrance shall be emphasized by a covered porch or stoop have a minimum area of twenty-five (25) square feet and a minimum depth of six (6') feet. The roof over the porch(es) or stoop(s) shall be no more than twelve (12') feet above the floor of the porch or stoop and be at least thirty (30%) percent solid. The porch(es) or stoop(s) shall be defined by columns, railings, balustrades, trellises and/or decorative posts to define the perimeter.

e. Attached Garages. Attached garages shall only be permitted where access is provided by a public or private alley or a private street. Attached garages are not permitted along a public street-facing facade.

f. Windows. All principal building facades, including attached garages, shall have at least one (1) window on each story with a minimum area of nine (9) square feet. Street-facing facades shall also require a minimum of fifteen (15%) percent of the area to be comprised of windows on each story. An exception may be made for a garage wall that contains the garage door(s).

g. Roofs. Roofs that face a public street shall not have a greater distance from the lowest portion of the roof to the ridge line than the height of the street-facing facade, measured vertically from the ground level of the facade to the lowest portion of the roof.

h. Dwelling Units.

(1) Dwelling Units in the RG-2 District. One (1) dwelling unit may be located per individual single family residential lot, up to a maximum of five (5) attached dwelling units located on five (5) single

family lots. A series of dwelling units, in conformance with **Section 4.06 A.16.i.**, may also be constructed on a common multiple family lot.

(2) Dwelling Units in the B-4 District. One (1) dwelling unit may be located per individual single family residential lot, or dwelling units may be constructed as a series of attached dwelling units located on a common lot, as permitted in **Section 4.06 A.16.i.** of this Ordinance.

i. Series of Single Family Attached Residences. A minimum series of three (3) single family attached residences shall be required to be grouped together. Such series shall be limited to five (5) attached units in the RG-2 District, and twelve (12) attached units in the B-4 District, and shall be submitted as a planned development through a Conditional Use Permit application. The minimum distance between each series on a common lot shall be twenty (20') feet.

j. Front Building Facade. The front building facade must occupy a minimum of ninety (90%) percent of the lot frontage at the build-to line.

k. Unit Elevation from Finished Exterior Sidewalk Grade. Units shall be raised a minimum of eighteen (18") inches from the finished exterior sidewalk grade.

l. Detached Accessory Buildings. Detached accessory buildings on interior lots shall be grouped together whenever possible at the common property lines.

m. Other Issues. Other issues which may have an adverse social, economic or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

B. BUSINESS CONDITIONAL USES

1. Sexually-Oriented Businesses in the B-2 District.

a. Building Plan as required in **Section 4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **Section 4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Section 4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **Section 4.05 F.** of the Zoning Ordinance.

f. Operational Plan as required in the Code of General Ordinances.

g. Location. A sexually-oriented business, as defined, shall only be located in compliance with the following criteria:

(1) No Sexually-Oriented Business shall be located within one thousand (1,000') feet, (based on the measurement standards of this Section), of the following:

(a) Residentially zoned property;

(b) Residentially used property;

(c) Public, private or parochial elementary or secondary schools;

(d) Public park, recreation area or playground;

(e) Daycare center;

(f) Youth center;

(g) Public library; or,

(h) Public museum.

(2) No sexually-oriented business shall be located within one thousand (1,000') feet of the Interstate 94 right-of-way.

(3) No sexually-oriented business shall be located within one thousand (1,000') feet of another sexually-oriented business.

h. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the sexually-oriented business to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

i. Outdoor Activities. Any outdoor activities associated with the sexually-oriented businesses are prohibited. The sexually-oriented business shall be conducted entirely within an enclosed building.

j. Signage. Signs associated with the sexually-oriented businesses shall comply with Chapter XV of the Code of General Ordinances. There shall be no outdoor sign or interior sign visible from the exterior of the building which features or depicts sexual conduct or a facsimile thereof.

k. Multiple Uses Prohibited. There shall not be more than one (1) sexually-oriented use allowed at any given location.

l. Other Requirements. The sexually-oriented business shall comply with all applicable local, State and Federal laws, rules and ordinances regulating such uses.

2. Business Structures in the FFO District.

a. The standards listed in **§4.06 A.5**. shall apply.

3. Community Living Arrangements in the B-1, B-2, B-3 and B-4 Districts. The standards listed in **§4.06 A.1.** shall apply.

4. Convention Center in the B-3 and B-4 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) The design of any exterior building signage.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The design of any outdoor conference

facilities such as stages or outdoor eating areas.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan describing:

(1) Type and extent of convention activities, including activities other than convention (e.g., restaurant, stores, etc.)

(2) Hours, days and months of operation.

(3) Capacity of center (maximum number of persons).

g. Traffic Circulation Plan which describes:

(1) Trucks, buses, limousines, and other vehicles loading, unloading and parking facilities.

(2) Emergency vehicle access.

(3) Plans for traffic control.

h. Compliance with local fire protection requirements.

i. Additional parking spaces beyond the normal requirements within the B-3 District may be required.

j. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

5. Drive-in Theaters in the B-2 District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance plus the locations of:

(1) Picture screens and amusements.

(2) Food and beverage stand, comfort station and ticket windows.

(3) Parking areas for customers, employees and maintenance vehicles, including type of surfacing and dust control measures.

(4) Storage areas for equipment and materials.

(5) Exterior signs and advertising displays.

(6) Proposed landscaping, including fencing and any required screening.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Show how the entire site will be drained including surfaced and unsurfaced areas.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

(1) Indicate hours which exterior lighting will be used and the direction of illumination of said lighting, including the location of any flashing or special exterior lighting.

(2) Location of any wiring which is not permanently installed, including wiring along the ground.

(3) Location of any on-site sanitary sewerage systems.

(4) Plans for waste and trash removal.

f. Operational Plan which includes:

(1) Entertainment and amusement activities.

(2) Hours, days and months of operation.

g. Traffic Circulation Plan which describes:

(1) How vehicles will be directed in and out of the facility and parking stalls.

(2) Location of vehicle queuing area (vehicle storage) for waiting vehicles.

(3) Emergency vehicle access.

h. The facility shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2**. of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, including along any street frontage, regardless of the adjacent district, if specific characteristics of the facility warrant such additional screening or landscaping.

i. Any licensing standards and regulations of Chapter 12 "Amusements" and any other applicable chapter of the City Code of General Ordinances.

j. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

k. The lot shall be effectively drained and shall not direct any water runoff onto adjacent lots or streets without the approval of the City Engineer.

l. Site shall be accessible from public streets that are adequate to carry the traffic expected to be generated and all access points and traffic controls shall be approved by the City Traffic Engineer.

m. Any wind blown trash or waste shall be collected daily and properly disposed.

n. Exterior lighting shall be arranged, oriented, or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district or create a traffic hazard. No flashing lights within 150 feet of a residential district.

o. The facility shall not include any "adult uses" as defined in the Zoning Ordinance.

p. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

6. Multiple-Family Residences Above The First Floor.

a. The standards outlined in **§4.06 A.3.** shall apply.

7. Outdoor Commercial Recreational Uses in the B-2 District.

a. Building Plan as required in **§4.05 B.** of

the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Amusement or recreational activities, food and beverage stands and comfort stations.

(2) Parking areas for customers, employees, and maintenance vehicles.

(3) Storage areas for equipment and materials.

(4) Exterior signs and advertising displays.

(5) Proposed landscaping, including fencing and any required screening.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations.

(2) Floodplain boundaries, if applicable.

(3) Soil characteristics where applicable.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:

(1) Indicate hours which exterior lighting will be used and the direction of illumination of said lighting, including the location of any flashing or special exterior lighting.

(2) Location of any wiring which is not permanently installed, including wiring along the ground.

(3) Location of any on-site sanitary sewerage systems.

f. Operational Plan which describes:

(1) Type and extent of amusement or recreational activities.

(2) Hours, days and months of operation.

(3) Plans for waste and trash removal.

g. Traffic Circulation Plan which describes how vehicles will be directed in and out of the facility.

h. The facility shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if specific characteristics of the facility warrant such additional screening or landscaping.

i. Any licensing standards and regulations of Chapter 12 "Amusements" and any other applicable chapter of the City Code of General Ordinances.

j. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

k. The lot shall be effectively drained and shall not direct any water runoff onto adjacent lots or streets without the approval of the City Engineer.

l. Site shall be accessible from public streets that are adequate to carry the traffic expected to be generated and all access points and traffic controls shall be approved by the City Traffic Engineer.

m. Any wind blown trash or waste shall be collected daily and properly disposed.

n. Exterior lighting shall be arranged, oriented, or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district or create a traffic hazard. No flashing lights within 150 feet of a residential district.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

8. Aluminum Collection Center.

a. Building Plan as required in **§4.05 B.** of Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.06 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. This use may only be located on a parking lot in an enclosed vehicle not less than 40 feet in length or in an automatic aluminum collection machine, or within a retail food store building as an accessory use.

g. Aluminum collection centers in a vehicle or in an automatic aluminum collection machine may only be placed on the parking lot of a building site or sites containing 25,000 square feet or more of floor area, contingent to the owners of the buildings agreeing to a collection center.

h. An aluminum collection center located on a parking lot may not occupy required off-street parking spaces. An aluminum collection center must be arranged so as to not impede free traffic flow or disrupt pedestrian traffic.

i. Receipt of and payment for aluminum at an aluminum collection center located on a parking lot may take place outside the collection center, but at a point no more than 20 feet from the opening of the enclosed vehicle where the aluminum is stored.

j. The owner of the property and the owner and operator of the aluminum collection center shall remove aluminum stored at the collection center at least once a week.

k. The owner of the property and the owner and operator of the aluminum collection center shall keep the aluminum collection center in proper repair and the exterior shall have a neat and clean

appearance.

l. The owner of the property and the owner and operator of the aluminum collection center shall keep the building site clean and in a neat appearance and shall dispose of aluminum cans and other litter from the building site where the aluminum collection center is located.

m. Aluminum products containing additional materials such as glass, insulation, etc., shall be separated prior to bringing the aluminum to the collection center.

n. Signage containing the company name, phone number, hours of collection and types of materials to be collected shall be clearly posted at the site at all times.

o. The owner of the property and the owner, operator, and customers of the aluminum collection center shall be prohibited from processing or flattening aluminum at the site. Automatic aluminum collection machines are exempt from this provision.

p. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

9. Recycling Collection Centers.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Shall be limited to the collection of aluminum, newspaper, cardboard, plastic, metal cans and glass.

g. No compaction or processing of the recyclables will be allowed on the site, except automatic aluminum collection systems.

h. Collection center is to be used only as an accessory use to an established business.

i. A minimum of five (5) parking spaces shall be available for the recycling collection center.

j. Recyclable material shall be removed from the recycling collection center at least once a week.

k. Owner and/or operator of the recycling collection center shall keep the site clean and in a neat appearance and shall dispose of recyclable material and other litter from the site.

l. Sites adjacent to residential zones shall be screened in a manner acceptable to the Zoning Administrator.

m. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

10. Automobile Body Shop in the B-2 and B-3 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

(1) Existing buildings and proposed additions or new structures.

(2) Customer and employee parking areas.

(3) Storage areas for autos and other motor vehicles, parts and trash.

(4) Existing and proposed screening and landscaping.

(5) Exterior lighting on buildings and poles.

(6) Outdoor signs.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which describes:

(1) Hours and days of the proposed operation.

(2) Type and extent of work to be done on motor vehicles.

(3) How site will be used, especially vehicle storage.

(4) How often scrap parts will be picked up.

(5) Methods to be used to control noise, paint fumes, and dust.

(6) Name and address of body shop operator.

(7) Anticipated number of employees.

g. All repair and painting work shall be conducted wholly within a completely enclosed building.

h. All storage of vehicles, parts or equipment which is adjacent to or across an alley from any residential district shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened from the residential district, as required in **§4.05 E.(2)** of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the body shop warrant such additional screening or landscaping.

i. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

j. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property, as

measured and controlled by Chapters NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

k. All motor vehicles, or parts thereof, being worked on or stored shall meet the provisions of Chapter 7 "Traffic Regulations" of the City Code of General Ordinances and specifically those provisions of said Chapter regulating motor vehicle repairs.

l. The compatibility of the exterior appearance and proposed operation of the body shop with the surrounding commercial uses in the B-2 or B-3 Districts shall be considered by the Commission.

m. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

11. Automobile or Truck Wash in the B-2 and B-3 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout of building(s) design and architecture.

b. Site Plan as required in **§4.05 (C)** of the Zoning Ordinance, plus:

(1) Location and "footprint" of building(s) and structure(s), including vehicle washing units (bays), vacuum drying units, gas pumps, trash and waste storage areas, any outdoor signs, and exterior lighting.

(2) Location of existing and proposed streets, drives, alleys, easements, right-of-ways, and parking as required.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Proposed topography of the site denoting elevations and natural drainage after construction.

(2) Plans for snow and ice removal and control.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance, plus:

(1) Proposed plantings and fences, including the type, height and opaque characteristics of any required screenings.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which describes:

(1) How the car or truck wash will operate, i.e. self-service, full-service, automotive, etc.

(2) Plans for removal and control of trash and waste.

(3) Hours and days of operation.

g. Traffic Circulation Plan which describes:

(1) How vehicles will be directed onto the lot and into the washing units.

(2) Number of queuing spaces (vehicle storage) available for waiting vehicles.

(3) Location for the hand drying of vehicles if no automatic drying available.

(4) Location of employee parking.

h. The car or truck wash shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance.

The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the car or truck wash warrant such additional screening or landscaping.

i. No vehicle repair or service work shall be conducted except when conducted wholly within a completely enclosed building.

j. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

k. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other property, as measured and controlled by Chapters NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

l. The lot shall be effectively drained and shall not direct any water runoff onto adjacent lots.

m. Snow and ice shall be effectively removed and controlled and ice shall not form on the driveways of the facility in a manner which creates a traffic hazard.

n. The facility shall not create any queuing or traffic impediments on adjacent streets, including traffic backed up on the street.

o. Any windblown trash or waste shall be collected daily and properly disposed of.

p. The compatibility of the exterior appearance and proposed operation of the car or truck wash with any surrounding commercial uses in the B-2 or B-3 Districts shall be considered by the Commission.

q. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

12. Brewpubs or Winery, Accessory to a Restaurant, Tavern, Cocktail Lounge or Package Beverage Store.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The location of all off-street parking.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. No more than thirty (30%) percent of the gross floor area shall be devoted to any manufacturing, processing or storage of beverages produced on the premises.

g. Brewpubs shall produce no more than 3,000 barrels of fermented malt beverages per year and wineries shall produce no more than twenty thousand (20,000) gallons of wine per year.

h. The establishment shall meet all requirements of §125 of the Wisconsin State Statutes and Chapter 10 of the Code of General Ordinances.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

13. Hotel and Motel in the B-2, B-3 and B-4 Districts.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Compliance with §2.16 and §4.063 of the General Code of Ordinances, City of Kenosha.

g. Compliance with Chapter HSS 195 of the Wisconsin Administrative Code.

h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

14. Unified Business Centers and Other Commercial Uses on a Site 2.5 Acres or More, Including Additions, Enlargements, Expansions and Detached Buildings in the B-2 District.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout, design, orientation and architecture of building(s).

(2) Gross Leasable Area (GLA).

(3) Outdoor signs on building facades.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) Total acreage and legal description.

(2) Location, arrangement, and dimensions of existing and proposed streets, drives, alleys, easements, right-of-ways, buildings, outdoor signs, vehicular/pedestrian access points and pedestrian walkways. staging.

(3) Graphic outline of any development.

(4) Site shall be accessible from public streets that are adequate to carry traffic.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, at a two (2) foot or less contour interval, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations.

(2) Floodplain boundaries, if applicable.

(3) Soil characteristics where applicable.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas and drainage swales.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance, plus:

(1) Existing trees and landforms.

(2) Location, extent and type of all proposed plantings.

(3) Location, height, opaque characteristics and type of any required screening.

e. Utility Plan as required in **§4.06 F.** of the Zoning Ordinance, plus:

(1) Location of all utilities: storm and sanitary sewers, water mains, electrical, natural gas and communication (cable television, telephone, etc.) lines, and freestanding utilities.

(2) Exterior lighting.

(3) Location of waste and trash collection and indicate plans for snow removal.

f. Operational Plan:

(1) Provide copies of any restrictive covenants regulating development, design, open space management or site maintenance.

(2) Capital cost summary, include total estimated value of the completed development (buildings, site improvements, landscaping and special features); expected date of commencement of the development of the site, including a statement outlining the amount of construction which constitutes "commencement of physical development of the site" (as mutually agreed upon by the petitioner and Review Authority); and a written construction schedule which details construction and development staging.

(3) Shopping cart management shall include, but not be limited to:

(a) installation of adequate parking lot cart corrals;

(b) retrieval of off-premise shopping carts on a daily basis;

(c) placement of loose on-premises shopping carts in car corrals at least every four (4) hours during hours open for business; and,

(d) movement of all carts into the store from the parking lot corrals at closing time.

For stores open on a 24-hour basis, all carts shall be brought into the store at eight (8) hour

intervals.

(4) Hours of Operation. Applicant shall indicate the hours of operation for the constituent units of the Unified Business Center. The Review Authority may establish limits on the hours of operation based on site location, adjacent land uses and/or impact of the development.

g. Parking, loading and traffic plan showing:

(1) Location, arrangement and dimensions of all parking spaces, aisles and drives.

(2) Truck loading spaces and docks.

(3) Number of parking spaces provided per 1,000 square feet of GLA and the number of loading spaces provided per gross floor area.

(4) Traffic circulation and control patterns within the site.

h. Access and traffic control as reviewed and approved by the City Traffic Engineer shall meet the following requirements:

(1) Driveway approaches and access points shall meet the applicable provisions of §5.085 ,"Driveway Approaches", of the City Code of General Ordinances.

(2) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using any portion of the street right-of-way.

(3) Driveway locations for loading and unloading activities shall not hinder vehicle ingress or egress.

(4) Provisions for internal circulation between adjacent parcels should be provided through coordinated or joint parking and traffic systems, or other methods approved by the City Traffic Engineer.

i. Off-street parking facilities as reviewed and approved by the City Traffic Engineer and Review Authority shall meet the requirements of **§6.01** of the Zoning Ordinance and the design standards of §5.8, "Parking Facilities" of the City Code of General Ordinances.

j. Off-street loading facilities as reviewed and approved by the Review Authority shall meet the requirements of **§6.02** of the Zoning Ordinance and applicable design standards of §5.085 "Driveway Approaches" of the City Code of General Ordinances and in addition:

(1) The design of loading facilities shall not hinder any part of the internal traffic system for moving vehicular traffic.

(2) Loading facilities shall be clearly marked.

(3) The Review Authority may require loading facilities to be screened as outlined in **§4.05 E. 2.** of the Zoning Ordinance.

(4) Buildings less than 7,000 square feet do not have to provide a loading space.

k. Exterior lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or create a traffic hazard. No flashing lights within 150 feet of a residential district.

l. Minimum development area of 2.5 acres for new developments.

m. The petitioner and Review Authority shall agree on the following:

(1) A start up date for development.

(2) Completion date for developments.

(3) Commencement and completion date of any phases.

n. Lot and yard requirements.

(1) Detached buildings with street frontage must have a minimum 100 foot lot width, otherwise no minimum is required.

(2) Front yard shall have a minimum five (5) foot deep landscaped buffer strip.

(3) Street side yard shall have a minimum five (5) foot deep landscaped buffer strip.

(4) Rear yard when adjacent to a residential district shall be landscaped and screened.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

15. Drive-thru Facilities in Conjunction with Permitted/Conditional Uses in the B-2, B-3 and B-4 Districts:

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. Parking and Traffic Circulation Plan in compliance with the following standards:

(1) Entrance to the drive-thru lane shall be located a minimum of one hundred fifty (150') feet from the intersection of the centerline of any public street.

(2) Drive-thru lane shall be paved.

(3) Drive-thru lane shall be a minimum width of eleven (11') feet.

(4) Vehicle stacking distance between property line and order station, or service window where there is no order station, shall be a minimum of seventy-five (75') feet.

(5) Vehicle stacking distance between order station where there is an order station and service window, shall be a minimum of twenty-five (25') feet.

(6) Distance between drive-thru lane and adjacent parking stalls, excluding stall depth, shall be a minimum of:

(a) 0° parallel parking - ten (10') feet.

(b) 60° parking - fifteen (15') feet.

(c) 90° parking - twenty-five (25') feet.

(7) Drive-thru lane shall not obstruct or interfere with any other on site driveways or traffic circulation elements.

g. Service window shall be located so as to be visible from a public street. Service window and drive-thru lane shall not be located within fifty (50') feet of a residentially zoned or used property. Drive-thru lane service window and order stations, where there is an order station, shall be effectively screened from adjacent residential properties and uses through fencing, landscaping or a combination thereof.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

i. Alcohol beverages may not be delivered through a service window from a drive-thru facility.

16. Self-Service Storage Facilities in the B-2, M-1 and M-2 Districts.

a. Building Plan as required in **Section 4.05 B.** and **Section 14** of the Zoning Ordinance, plus:

(1) Material sample(s) and colors.

(2) Floor plan indicating location and size of office and storage units.

(3) All buildings shall be constructed of decorative masonry, brick, cut stone, or stained, painted, aggregate or decorative precast concrete panel. Concrete block, where used, shall be cast with a decorative pattern.

b. Site Plan as required in **Section 4.05 C.** and **Section 14** of the Zoning Ordinance, plus:

(1) Location and "footprint" of all structures.

(2) Location of all off-street parking spaces. All parking spaces and drives between storage buildings shall be paved with asphaltic concrete or Portland Cement concrete.

(3) Location of any outdoor storage areas, which shall be shown as paved with asphaltic concrete or Portland Cement concrete.

(4) A minimum of thirty (30') feet wide lanes shall be provided between buildings.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** and **Section 14** of the Zoning Ordinance.

(1) In all cases, Option 1 of Table 3 "Interior Parkway Landscaping for Commercial Uses" of Section 14 of the Zoning Ordinance shall be used as the landscaping requirements for interior parkways.

(2) Fencing shall be constructed of a site-obscuring wood or masonry fence.

(3) Foundation plantings and site interior landscaping requirements shall be waived when the site is screened by a six (6') foot site-obscuring fence or masonry wall, including storage building walls.

(4) Outdoor storage areas shall be screened by a six (6') foot site-obscuring fence or masonry wall.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Name and address of facility operator.

(2) Number of employees.

(3) Hours, days and months of operation.

(4) Permitted items to be stored in outside storage area(s).

(5) Security system.

g. Yard Requirements.

(1) Front Yard. There shall be a minimum front yard of fifty (50') feet, measured from the front lot line, or from the setback of any major street.

(2) Side Yards.

(a) Interior Side Yard. There shall be a minimum interior side yard of ten (10') feet. Interior lots shall have two (2) interior side yards. Corner lots shall have one interior side yard and one street side yard.

(b) Street Side Yard. There shall be a minimum street side yard of twenty-five (25') feet. Where a side lot line in the B-2 District fronts on a street and where a rear lot line abuts or is across an alley fronts a residential district.

(3) Rear Yard. A rear yard of not less than twenty-five (25') feet is required, except that where a rear lot line in the B-2 District fronts on a street and where a side lot line in the B-2 District abuts or is across an alley from a residential district, the residential district yard requirement on that street shall apply as the rear yard requirement.

h. Vehicle stacking distance between lot line and gate or card-key system shall be a minimum of forty (40') feet.

i. Outdoor Storage Areas. Materials stored in outside storage areas shall not exceed the height if the fence and shall be maintained in an orderly manner with twenty-four (24') feet wide lanes between vehicles. Outdoor storage areas are limited to licensed and operable vehicles and boats. Construction equipment and materials shall not be permitted.

j. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals shall not be permitted.

k. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

17. Automobile fuel station or automobile fuel and service station, including combination convenience store in the B-2 and B-3 Districts:

a. Building Plan as required in **Sections 4.05 B.** and **14.0** of the Zoning Ordinance, plus:

(1) Material and color sample(s).

(2) Predominant facade materials (comprising a minimum of 50% of the total facade) for the construction of all buildings shall consist of one (1) or more of the following:

(a) Decorative masonry;

(b) Brick;

(c) Cut stone;

(d) Stained, painted aggregate or decorative precast, concrete panel.

(3) Roof forms shall be visible with a 3/12 or greater slope. Roof style shall consist of one (1) of the following:

(a) Hip roof;

(b) Gabled roof.

(c) Flat roof with a visible roof form at perimeter.

(4) Overhead canopy structure detail shall be submitted and shall be generally compatible with the elements of the principal building. Canopy supports shall be enclosed with a predominant facade material used for the principal building.

b. Site Plan as required in **Sections 4.05 C.** and **14.0** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.0** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.0** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.0** of the Zoning Ordinance.

f. Exterior lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or to create a traffic hazard.

g. Outside display of store products or other materials is prohibited unless specifically authorized by the Review Authority in a designated area and in a manner consistent with and appropriate to the development.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

18. Commercial Development in the HRPO District.

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B**. of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F**. and **14.07 D.** of the Zoning Ordinance.

f. Development standards of the Harborpark Development Code required in **Section 3.29** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

19. Body-Piercing Establishments in the B-2 District.

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B**. of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Section 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Operational Plan, which includes:

(1) Compliance with State of Wisconsin Administrative Code, Department of Health and Family Services, Chapter HFS 173, entitled "Tattooing and Body Piercing", and Sections 252.24 through 252.245, Wisconsin Statutes.

(2) Installation of signage stating that no loitering is allowed on the premises.

(3) Statement of days and hours of operation.

(4) Restriction that no business activity shall take place in public view from the building exterior.

g. Location. A Body-Piercing Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Body-Piercing Establishment shall be located within one thousand (1,000') feet, (based on the measurement standards of this Section), of the following:

(a) Residentially zoned property;

(b) Residentially used property;

(c) Public, private or parochial elementary or secondary schools;

(d) Public park, recreation area or playground;

(e) Daycare center;

(f) Youth center;

(g) Public library; or,

(h) Public museum.

(2) No Body-Piercing Establishment shall be located within one thousand (1,000') feet of the Interstate 94 right-of-way.

(3) No Body-Piercing Establishment shall be located within one thousand (1,000') feet of another Body Piercing Establishment.

h. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the Body-Piercing Establishment to the nearest point of the parcel of property or zoning district boundary from

which the proposed land use is to be separated.

20. Tattoo Establishments in the B-2 District.

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B**. of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Section 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Operational Plan, which includes:

(1) Compliance with State of Wisconsin Administrative Code, Department of Health and Family Services, Chapter HFS 173, entitled "Tattooing and Body Piercing", and Sections 252.23 through 252.245, Wisconsin Statutes.

(2) Installation of signage stating that no loitering is allowed on the premises.

(3) Statement of days and hours of operation.

(4) Restriction that no business activity shall take place in public view from the building exterior.

g. Location. A Tattoo Establishment, as defined, shall only be located in compliance with the following criteria:

(1) No Tattoo Establishment shall be located within one thousand (1,000') feet, (based on the measurement standards of this Section), of the following:

(a) Residentially zoned property;

(b) Residentially used property;

(c) Public, private or parochial elementary or secondary schools;

(d) Public park, recreation area or playground;

(e) Daycare center;

(f) Youth center;

(g) Public library; or,

(h) Public museum.

(2) No Tattoo Establishment shall be located within one thousand (1,000') feet of the Interstate 94 right-of-way.

(3) No Tattoo Establishment shall be located within one thousand (1,000') feet of another Tattoo Establishment.

h. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closest point of the structure proposed for occupancy by the Tattoo Establishment to the nearest point of the parcel of property or zoning district boundary from which the proposed land use is to be separated.

21. Mixed-Use Development In Accordance With An Adopted Neighborhood Plan or Site Development Plan, Including Additions, Enlargements, Expansions and Detached Buildings in the B-4 District.

a. Requirements For All Development Types.

(1) Building Plan as required in **Sections 4.05 B.** and **14.07 B.** of the Zoning Ordinance, plus:

(a) Layout, design, orientation and architecture of building(s).

(b) Total square footage of building(s).

(c) Handicap and emergency access and exit.

(2) Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance, plus:

(a) Total acreage and legal description.

(b) Location, arrangement and dimensions of existing and proposed streets, drives, alleys, easements, right-of-ways, buildings, outdoor signs, public spaces/plazas, vehicular/pedestrian access points and pedestrian walkways.

(c) Graphic outline of any development.

(d) Site shall be accessible from public streets that are adequate to carry traffic.

(3) Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance, plus:

(a) Existing topography, at a two (2) foot or less contour interval, including spot elevations of existing buildings, structures, high points and wet areas, with any previous flood elevations.

(b) Floodplain boundaries, if applicable.

(c) Soil characteristics where applicable.

(d) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention areas and drainage swales.

(4) Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance, plus:

(a) Existing trees and landforms.

(b) Location, extent and type of all proposed plantings.

(c) Location, height, opaque characteristics and type of any required screening.

(5) Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance, plus:

(a) Location of all utilities: storm and sanitary sewers, water mains, electrical, natural gas and communication (cable television, telephone, etc.) lines, and freestanding utilities.

(b) Exterior lighting.

(c) Location of waste and trash collection, and indicate plans for snow removal.

(6) Other Issues which may have an adverse social, economic or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

b. Additional Standards for Nonresidential Development in the B-4 District.

(1) Building Plan as required in **Section 4.06 B.21.a.** above, plus:

(a) Gross Leasable Area (GLA) of all buildings.

(b) Square footage of residential units and floors.

(c) Outdoor signs on building facades.

(2) Operational Plan:

(a) Provide copies of any restrictive covenants regulating development, design, open space management or site maintenance, and/or an operational plan which includes management or operational control, deed restrictions, bylaws or property owners' association Articles of Incorporation.

(b) Capital cost summary, including total estimated value of the completed development (buildings, site improvements, landscaping and special features); expected date of commencement of the site development, including a statement outlining the amount of construction which constitutes "commencement of physical development of the site" (as mutually agreed upon by the petitioner and the Review Authority); and, a written construction schedule which details construction and development staging.

(c) Shopping Cart Management Plan, including, but not limited to:

i. Submission of a Shopping Cart Management Plan for on-site management of shopping carts at the time of submission of a Conditional Use Permit, and thereafter, at the time of occupancy. Such Shopping Cart Management Plans shall prevent customers from removing shopping carts from the perimeter of the development by use of products such as CAPS (Cart Anti-Theft Protection System), Kart Savers, or a similar product;

ii. Installation of adequate parking lot cart corrals;

iii. Retrieval of any off-premise shopping carts on a daily basis;

iv. Placement of loose on-premise shopping carts in cart corrals at least every two (2) hours during hours for business; and,

v. Movement of all carts into the store from the parking lot corrals at closing time. For stores open on a twenty-four (24) hour basis, all carts shall be brought into the store at eight (8) hour intervals.

(3) Parking, Loading and Traffic Plan Showing:

(a) Location, arrangement and dimensions of all on-site parking spaces, aisles and drives.

(b) Location of any proposed on-street parking spaces used to satisfy the requirements of **Section 6.0** of the Zoning Ordinance.

(c) Truck loading spaces and docks.

(d) Number of parking spaces per one thousand (1,000) square feet of GLA, and the number of parking spaces per residential unit, as well as the number of loading spaces provided per gross floor area.

(e) Traffic circulation and control patterns within the site.

(f) Pedestrian walkways through parking lot. Parking lot with greater than fifty (50) parking spaces and more than twenty (20) spaces in a continuous row, shall provide at least one (1) pedestrian walkway through a parking lot, connecting buildings on opposite sides of the parking lot, or a building to a public sidewalk. Employee only parking areas shall be exempt from this requirement. Such pedestrian walkway shall have a minimum width of five (5') feet and shall be defined by at least two of the following:

- A six (6") inch vertical curb.
- Use of a paving material that provides contrast against the material used in the parking lot, such as textured pavement, painted or colored asphalt/concrete, pavers, stamped asphalt/concrete, and/or raised walkways.
- A continuous landscape area at a minimum of three (3') feet wide on at least one side of the walkway.

This requirement may be otherwise conditioned or waived by the Review Authority.

(4) Access and Traffic Control, as reviewed and approved by the City Traffic Engineer shall meet the following requirements:

(a) Driveway approaches and access points shall meet the applicable provisions of Section 5.085 "Driveway Approaches" of the Code of General Ordinances for the City of Kenosha.

(b) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using any portion of the street right-of-way.

(c) Driveway locations for loading and unloading activities shall not hinder vehicle ingress or egress.

(d) Provisions for internal circulation between adjacent parcels should be provided through coordinated or join parking and traffic systems, or other methods approved by the City Traffic Engineer.

(5) Off-Street Parking Facilities as reviewed and approved by the City Traffic Engineer and Review Authority shall meeting the requirements of **Section 6.01** of the Zoning Ordinance, and the design standards of Section 5.8, "Parking Facilities", of the Code of General Ordinances for the City of Kenosha.

(6) Off-Street Loading Facilities as reviewed and approved by the Review Authority shall meet the requirements of **Section 6.02** of the Zoning Ordinance, and applicable design standards of Section 5.085, "Driveway Approaches" of the Code of General Ordinances for the City of Kenosha, and in addition:

(a) The design of loading facilities shall not hinder any part of the internal traffic system for moving vehicular traffic.

(b) Loading facilities shall be clearly marked.

(c) Loading docks and service areas are prohibited on street frontages and shall generally not be visible from street frontages. Exceptions may be made for loading areas located on sides of buildings when properly screened and/or recessed. Screening of loading areas shall be by walls of the same building materials as its related principal building, a minimum of four (4') feet in height.

(d) Buildings less than seven thousand (7,000) square feet shall not be required to have a loading space.

(7) Streetscaping in Public Areas shall be required and shall be compatible with the streetscaping patterns of the surrounding area, where such areas contain a common streetscaping pattern, including ornamental lighting, matching benches, waste receptacles, lighting and landscaping patterns, or as approved by the Review Authority. Applicants shall discuss the streetscaping requirements with the Department of City Development prior to submitting a Conditional Use Permit application.

(8) Exterior Lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or create a traffic hazard. No flashing lights shall be permitted within one hundred fifty (150') feet of a residential district or use.

(9) Public Amenities. The mixed-use development shall contribute to the creation or enhancement of public spaces by incorporating at least two (2) of the following site amenities:

(a) Plaza with seating area (minimum size of five hundred (500) square feet).

(b) Mini-parks, squares or greens (minimum size of five hundred (500) square feet).

(c) Water feature.

(d) Clock tower.

(e) Public art.

(f) On-site transportation amenities, including transit stops coordinated with Kenosha Transit.

c. Additional Standards for Elderly and/or Handicapped Multi-Family Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities in the B-4 District.

(1) Building Plan shall also indicate any planned additions and proposed dates and handicap and emergency access and exit.

(2) Operational Plan shall also include:

(a) Proposed operation and supervision, including the type of services and programs offered, security provided, and emergency response system.

(b) Management and operational control.

(c) Number of employees.

(3) Accessibility: Coordination and Safety. The site shall be designed for safe circulation and access of vehicular and pedestrian traffic. Pedestrian paths shall be installed throughout the site to public transit facilities and adjacent sites providing services to the development. The Americans With Disabilities Act Accessibility Guidelines for buildings and facilities shall be adopted by reference as the minimum standard, unless otherwise noted.

(4) Accessibility: Pedestrian.

(a) Walkways shall be a minimum of five (5') feet in width.

(b) Pathways and steps shall be non-slip and non-glare with good drainage.

(c) Site's slope shall be limited to an average of five (5%) percent.

(d) Ramps and stairs shall be provided when grade changes exceed five (5%) percent.

(e) Major on-site route shall be limited to a five (5%) percent slope; building entries two and one-half (2.5%) percent with no steps; and other pedestrian routes to an average of six (6%) percent or ten (10%) percent for a maximum of seventy-five (75') feet.

(f) Ramps, in addition to a nonslip surface, shall also inclulde raised markings to alert the visually impaired.

(5) Parking Plan shall also include:

(a) A parking area located close to the building entry, well lighted, and equipped with adequate curbcuts/ramps.

(b) A convenient covered dropoff zone for the main entrance which shall be located out of the traffic flow.

(c) The slope of the site's parking area shall not exceed five (5%) percent.

(6) Community Facilities.

(a) Community facilities consisting of a T.V. room or multipurpose room shall be provided in all developments. Developments which do not provide a kitchen or kitchenette in each dwelling unit shall also be required to provide a common dining facility. The dining facility, if required, shall be operated so as to provide no less than one (1) meal to all residents each day. The following facilities may also be provided: game room, craft room, music room, library and/or exercise room.

(b) Such facilities shall be provided at the ratio of at least fifteen (15) square feet per bedroom or seven and one-half (7.5) square feet per bed, whichever is greater.

(7) Compliance With All Applicable State and Local Housing, Building and Fire Codes. Assisted living facilities shall also be in compliance with Chapter HFS-89, Wisconsin Administrative Code, Chapter 50, Wisconsin Statutes, and all other applicable regulations of the Wisconsin Department of Health and Family Services (DHFS), and other State agencies having jurisdiction thereover.

d. Additional Standards For Multi-Family Developments in the B-4 District. An Operational Plan shall be submitted, which includes:

(1) Construction commencement and completion dates.

(2) Management or operational control.

(3) Deed restrictions.

(4) Bylaws or property owners' association Articles of Incorporation.

22. Large Scale Commercial Development in the B-2, B-3 and B-4 Districts. Unless otherwise approved by the Review Authority, Large Scale Commercial Development shall comply with the following additional requirements:

a. Location. One of the following criteria shall be met:

(1) The property is located west of the centerline of State Trunk Highway 31 (STH "31")(Green Bay Road); or,

(2) The property abuts the east right-of-way line of State Trunk Highway 31 (STH "31")(Green Bay Road); or,

(3) The property is located east of the centerline of (STH "31")(Green Bay Road), and has an existing building of one hundred thousand (100,000) square feet or greater, or a group of buildings with a total square footage of two hundred thousand (200,000) square feet or greater. New development shall only occur on the site if one of the following occurs:

(a) Existing buildings on the site are razed. New buildings shall not exceed the total square footage of razed buildings; or,

(b) Platted lots may be developed or redeveloped with a freestanding building provided the new building or addition does not exceed one hundred thousand (100,000) square feet, and the total square footage of all buildings within the site do not exceed two hundred thousand (200,000) square feet. If the combined total building square footage on an outlot is less than ten thousand (10,000) square feet, the square footage shall not be counted towards the two hundred thousand (200,000) square foot building site limit.

b. Building, Site, Drainage, Landscape and Utility Plans shall comply with all City and State Ordinances, laws, rules and regulations.

c. Development shall comply with all respects to any adopted Master Plan, Comprehensive Plan or Neighborhood Building Plan applicable to subject property.

d. Design and Site Layout additional standards as defined in **Sections 4.0** and **14.0** of the City Zoning Ordinance, and comply with the following standards, whichever is more restrictive:

(1) Building Requirements. Articulation consisting of recesses and/or projections shall be of at least a minimum depth and/or project six (6') feet and constitute a minimum of twenty (20%) percent of the structure's facades. In no event shall an uninterrupted facade extend more than one hundred (100') feet.

(2) Site Requirements. No more than seventy-five (75%) percent of the parking can be located between the front facade and the primary street. Pedestrian walkways from sidewalks to entrances and adjacent to buildings shall be provided.

(3) Compliance with **Section 4.06 B.14.** of the Zoning Ordinance for properties zoned B-2 and B-3.

(4) Compliance with **Section 4.06 B.21.** of the Zoning Ordinance for properties zoned B-4.

e. Operational Plan:

(1) Provide copies of any restrictive covenants regulating development, design, open space management or site maintenance.

(2) Capital cost summary, include total estimated value of the completed development (buildings, site improvements, landscaping and special features); expected date of commencement of the development of the site, including a statement outlining the amount of construction which constitutes "commencement of physical development of the site" (as mutually agreed upon by the petitioner and Review Authority); and a written construction schedule which details construction and development staging.

(3) Shopping cart management shall include, but not be limited to:

(a) installation of adequate parking lot cart corrals;

(b) retrieval of off-premise shopping carts on a daily basis;

(c) placement of loose on-premises shopping carts in car corrals at least every four (4) hours during hours open for business; and,

(d) movement of all carts into the store from the parking lot corrals at closing time.

For stores open on a 24 hour basis, all carts shall be brought into the store at eight (8) hour intervals.

f. Parking, Loading and Traffic Plan showing:

(1) Location, arrangement and dimensions of all parking spaces, aisles and drives.

(2) Truck loading spaces and docks.

(3) Number of parking spaces provided per 1,000 square feet of GLA and the number of loading spaces provided per gross floor area.

(4) Traffic circulation and control patterns within the site.

g. Access and Traffic Control as reviewed and approved by the City Traffic Engineer shall meet the following requirements:

(1) Driveway approaches and access points shall meet the applicable provisions of §5.085, "Driveway Approaches", of the City Code of General Ordinances.

(2) There must be sufficient on-site storage to accommodate at least three (3) queued vehicles

waiting to park or exit without using any portion of the street right-of-way.

(3) Driveway locations for loading and unloading activities shall not hinder vehicle ingress or egress.

(4) Provisions for internal circulation between adjacent parcels should be provided through coordinated or joint parking and traffic systems, or other methods approved by the City Traffic Engineer.

h. Off-street Parking Facilities as reviewed and approved by the City Traffic Engineer and Review Authority shall meet the requirements of **§6.01** of the Zoning Ordinance and the design standards of §5.8,
"Parking Facilities", of the City Code of General Ordinances.

i. Off-street Loading Facilities as reviewed and approved by the Review Authority shall meet the requirements of **§6.02** of the Zoning Ordinance and applicable design standards of §5.085, "Driveway Approaches", of the City Code of General Ordinances, and in addition:

(1) The design of loading facilities shall not hinder any part of the internal traffic system for moving vehicular traffic.

(2) Loading facilities shall be clearly marked.

(3) The Review Authority may require loading facilities to be screened as outlined in **§4.05 E. 2.** of the Zoning Ordinance.

(4) Buildings less than 7,000 square feet do not have to provide a loading space.

j. Exterior Lighting shall be arranged, oriented or shielded in such a manner as to not directly radiate or glare onto residential lots in a residential district, or create a traffic hazard. No flashing lights within 150 feet of a residential district.

k. Hours of Operation. Applicant shall indicate the hours of operation for the development. The Review Authority may, at its discretion, establish limits on the hours of operation which are compatible with site location, adjacent uses and the overall impact of the development.

m. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

23. Convenient Cash Business in the B-2 District.

a. Intent and Purpose. The City of Kenosha is experiencing a substantial increase in the number and location of Convenient Cash Businesses. The proliferation of these businesses may undermine the economic health and stability of the community due to their practice of targeting persons in vulnerable economic circumstances. Furthermore, the clustering of these businesses creates an undesirable image of the vitality of the commercial districts and the community as a whole. Finally, extensive hours of operation can result in negative impacts to the adjacent and surrounding residential areas where such business may be located.

b. Location. A Convenient Cash Business, as defined, shall only be located in compliance with the following criteria:

(1) No Convenient Cash Business shall be located within five hundred (500') feet of any residentially zoned property.

(2) No Convenient Cash Business shall be located within two thousand six hundred forty (2,640') feet of another Convenient Cash Business.

c. Standards of Measurement. The distances identified in this Section shall be measured in a straight line, without regard to intervening structures or objects from the closet point of the structure proposed for occupancy by the Convenient Cash Business to the nearest point of the parcel of property or zoning district boundary from which the proposed land is to be separated.

d. Hours of Operation. No Convenient Cash Business may be open between the hours of 7:00 P.M. and 8:00 A.M.

e. Other Issues which may have adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties, or the City as a whole.

C. MANUFACTURING CONDITIONAL USES

1. Manufacturing Uses (not including salvage dealers, shops or yards, or storage yards for a contractor, which have separate conditional use submittals).

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) Layout of building(s) including size and layout of rooms.

(2) Design and architecture.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Legal description of property.

(2) Location and "footprint" of building(s) and structure(s).

(3) Locations of existing and proposed streets, drives, alleys, easements, right-of-ways, parking as required, vehicular and pedestrian access points and sidewalks.

(4) Outline of any development stages.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points and wet areas, with any previous flood elevations.

(2) Floodplain boundaries, if applicable.

(3) Soil characteristics where applicable.

(4) Proposed topography of the site denoting

elevations and natural drainage after construction and any proposed storm water retention areas.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance, plus:

(1) Existing trees and landforms.

(2) Location, extent, and type of all proposed plantings.

(3) Location, height, opaque characteristics and type of any required screening.

e. Utility Plan as required by **§4.05 E.** of the Zoning Ordinance, plus:

(1) Location of all utilities, storm and sanitary sewers, water mains, electrical, natural gas and communication (cable television, telephone, etc.) lines.

(2) Exterior lighting for parking and other outdoor areas, outdoor signs and building exteriors.

(3) Location of waste and trash collection and indicate plans for snow removal.

f. Operational Plan which describes:

(1) General manufacturing or industrial process(es).

(2) Special handling procedures, including waste disposal.

(3) Outdoor storage.

(4) Hours of operation.

g. 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 as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

h. 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 in conformance with Wisconsin Administrative Codes and standards of the National Fire Protection Association. 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:

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

i. The Kenosha Fire Department may inspect premises without delay, during reasonable hours with the authority for the Fire Chief to act accordingly if life threatening circumstances exist.

j. 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. Exterior lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the use being illuminated.

k. Water Pollution. No activity shall locate, store, 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 might run off, seep, percolate or wash into surface or subsurface water so as to exceed or contribute toward the exceeding of the minimum standards set forth in Chapter NR 102 "Water Quality Standards for Wisconsin Surface Waters" and Chapters NR 200 through 299 "Wisconsin Pollutant Discharge Elimination System" of the Wisconsin Administrative Code.

l. Noise. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

m. Odors. No activity shall emit odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside the premises as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

n. Radioactivity, electrical or other disturbances. No activity shall emit radioactive, electrical or other disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

o. Hazardous Waste. Any activity defined by NR 181 Wisconsin Administrative Code as constituting the generation, transportation, storage, treatment or disposal of hazardous waste, shall meet the standards and licensing provisions of Chapter NR 181 "Hazardous Waste Management" of the Wisconsin Administrative Code.

p. Other Federal, State and Local Standards. Notwithstanding, all other applicable Federal, State and local standards and regulations shall be complied with, including any applicable State Statute or Wisconsin Administrative Code regulations or any chapter of the City Code of General Ordinances.

q. Measurement. The determination of the existence of any dangerous, injurious, noxious or otherwise objectionable condition shall be measured:

(1) As determined in the Wisconsin

Administrative Code for air and water pollution or for odors.

(2) As determined in the City Code of General Ordinances for noise.

(3) The point or points where such conditions shall be most apparent for fire and explosive hazards or for radioactive and electrical disturbances.

(4) The property lines of the use creating such conditions for glare and heat.

r. The Council may establish special requirements when the use is adjacent to other land uses which could be adversely affected, especially adjacent residential uses, to mitigate potential conflicts or negative impacts. Special requirements may be, but are not limited to, additional fencing, screening or landscaping, operation restrictions or requirements, building or equipment location and storage specifications.

s. Other uses which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

2. Airports and Heliports in the M-1 and M-2 Districts.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) Location of all buildings and structures, including any development staging.

(2) Required height restrictions both on and near the facility.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Airport or heliport layout plan detailing runways, landing access, taxiways, aprons, parking areas and access roads.

(2) Land requirements for the facility.

(3) Required clear zone, avigation and noise easements.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which details:

(1) Airport or heliport classification.

(2) Forecasted aviation demand, based aircraft, annual and average daily operations.

(3) Hours of operation.

(4) Avigational aids and landing systems.

(5) Crash, fire and rescue plans.

(6) Air freight services.

(7) Management.

g. Environmental Impact Statement:

(1) Delineate all noise contour areas (based on projections of aircraft operations to a 20 year future.)

(2) Land use compatibility plans for noise impacted areas, including existing land uses and zoning.

(3) Runway and other lighting impacts from the facility.

(4) Air and water quality impacts including aircraft fuel emissions.

(5) Construction impacts.

(6) Prime farmland impacts.

(7) Other applicable social, economic and environmental impacts.

h. Federal Aviation Administration (FAA) and Wisconsin Bureau of Aeronautics (BOA) approval of all plans and environmental impact statements.

i. Facility should have adequate land area and easements to assure safe operation.

j. Facility should have adequate plans for emergency crash, fire and rescue services.

k. The noise impacted area should not exceed FAA standards or policies on airport and heliport land use compatibility.

l. Facility should have adequate plans for restricting buildings and structures to assure safe aerial approaches.

m. Other issues or concerns which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

3. Storage Yard for a Contractor in the M-1 and M-2 Districts.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Location and height of all storage areas including vehicles, equipment, building materials, metals, sand, gravel and scrap storage.

(2) Internal roads and paths for vehicular use.

(3) Outdoor signs including any mounted or painted on fences.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which shows:

(1) Types of equipment and materials which will be used and stored.

(2) How often trash and unusable materials will be picked up.

(3) Methods to be used to control noise, dust and windblown materials and maintain fire protection.

(4) Hours and days of operation.

g. No activity shall produce a sound level outside its premises that exceeds the standards set forth in Chapter 23 "Noise Control" of the City Code of General Ordinances.

h. No activity shall emit odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside the premises, nor shall any activity emit dust, fumes, vapors or gases in such quantities as to cause spoiling or danger to the health of persons, animals, vegetation or other property, all as measured and controlled by Chapter NR 400-494 "Air Pollution Control" of the Wisconsin Administrative Code.

i. 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 might run off, seep, percolate or wash into surface or subsurface waters so as to exceed or contribute toward the exceeding of the minimum standards set forth in Chapter NR 102 "Water Quality Standards for Wisconsin Surface Waters" and Chapters NR 200 through 299 "Wisconsin Pollutant Discharge Elimination System" of the Wisconsin Administrative Code.

j. The storage yard shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance. The Commission may require additional screening or landscaping on any portion of the lot, regardless of the adjacent district, if special characteristics of the storage yard warrant such additional screening or landscaping.

k. Exterior lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate residential lots which are located in a residential district adjacent to or across an alley from the storage yard.

l. No signage, other than one eight (8) square foot identification sign near each access gate, shall be mounted or painted on any required fence.

m. Any windblown material resulting from operation of the yard shall be collected daily and properly disposed.

n. The Commission may establish a time schedule for the completion of any site or building improvements, landscaping, screening, or other desired improvements required as part of an approved Conditional Use Permit. The Commission may establish height limits for the storage of building materials, metals, sand, gravel, scrap salvage or other raw materials.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

4. Aluminum Collection Center in the M-1 and M-2 Districts.

a. The standards outlined in **§4.06 B.8.** shall apply.

5. Recycling Collection Centers in the M-1 and M-2 Districts.

a. The standard outlined in **§4.06 B.9.** shall apply.

D. INSTITUTIONAL AND OTHER CONDITIONAL USES

1. Uses and Structures in a Floodway (FW) District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) When permitted, proposed structures shall include a plan indicating how the structure will be floodproofed and constructed so as to not catch or collect debris nor be damaged by floodwaters.

(2) This plan shall be 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.

(3) Plans for municipal water supply and sanitary sewerage systems shall indicate that the system is floodproofed to an elevation at least two (2') feet above the elevation of the 100 year recurrence interval flood and is designed to eliminate or minimize the infiltration of floodwater into the system.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance, plus:

(1) Existing topography, including spot elevations of existing buildings, structures, high points, and wet areas, with any previous flood elevations.

(2) Floodplain boundaries.

(3) Soil characteristics.

(4) Proposed topography of the site denoting elevations and natural drainage after construction and any proposed storm water retention area.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan:

(1) Show that the use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters.

(2) Include a copy(ies) of any required water use permit pursuant to Chapter 30 of the Wisconsin Statutes or wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act.

g. Compliance with **§3.20** of the Zoning Ordinance.

h. Any use requiring a water use permit

pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to §404 of the Federal Water Pollution Control Act shall secure said permit prior to approval of the Conditional Use Permit.

i. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

2. Structures and Uses in the FFO District.

a. The standards in **§4.06 A.5.** shall apply.

3. Arena, Auditorium, Exhibition Hall and Stadium in the I-P Institutional Park District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) The site shall have direct access to a Federal, State or County highway or designated City arterial street.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which:

(1) Includes a report setting forth the proposed operation and use of the facility including vehicular and pedestrian access points, traffic controls, parking plans, types of events planned, scheduling plans of events, capacity for each type of event or activity, fire protection plans, evacuation procedures, emergency vehicle access and exterior lighting and signage.

g. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

4. Community Living Arrangements in the I-P District.

a. The standards outlined in **§4.06 A.1**. shall apply.

5. Conference Center Uses in the I-P Institutional Park District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance, plus:

(1) Main building design including layout and elevations.

(2) General layout of conference facilities.

(3) Size and extent of bed and breakfast establishment, if applicable.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Off-street parking and traffic circulation including emergency vehicle access.

(2) Design of any outdoor conference facilities such as stages or outdoor eating areas.

(3) Sidewalks and pedestrian access.

(4) Exterior and building signage.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:

(1) Location of all exterior lighting.

f. Operational Plan which describes:

(1) Type and extent of conference activities.

(2) Hours, days and months of operation.

(3) Capacity of center (maximum number of persons) and average size and number of conferences per year.

(4) Extent of bed and breakfast establishment, if applicable, to center.

(5) Food and beverage service accessory

g. Off-street parking facilities shall be effectively screened along any property line which is adjacent to or across an alley from any residential district, as required in **§4.05 E.2.** of the Zoning Ordinance.

h. Compliance with Wisconsin Administrative Code, Chapter HSS 197, "Bed and Breakfast Establishments", if applicable.

i. Compliance with City Code of General Ordinances, Chapter IV, "Health" (more particularly §4.06
"Regulations of Food and Drinking Establishments and Food Handlers").

j. Compliance with City Code of General Ordinances, Chapter X, "Liquor and Beer".

k. Compliance with all local, State, and Federal building codes applicable to structure and use.

l. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

6. Penal, Disciplinary, Mental Health and Reform Institutions in the I-P Institutional Park District.

a. Building Plan as required by **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance, plus:

(1) Land acquisition needs.

(2) Type and location of all fencing.

(3) Direction and intensity of all exterior lighting.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:

(1) Water and sewer requirements.

(2) Per day and peak hour gas, electric, and other utility requirements.

(3) Solid waste disposal system.

f. Operational Plan which describes:

(1) Type and security classification (maximum, medium or minimum) of the facility.

(2) Bed or inmate capacity.

(3) Number of employees, including peak shift, number full-time, number part-time and on-site employee housing.

(4) Number of anticipated visitors, including on-site visitor housing.

(5) Security plans, including lighting, fencing, towers, barriers, electronic monitors and security personnel.

(6) Medical and health facilities plans.

(7) Emergency and inmate evacuation

g. Exterior lighting shall meet the following requirements:

(1) Such lighting shall be arranged, oriented or shielded in such a manner that direct radiation or glare from such source does not penetrate any residential or business district.

(2) The source of such illumination shall be arranged, oriented or shielded in a manner which will not endanger the safety of pedestrian or vehicular traffic.

(3) When within 2,500 feet of a residential or business district, as measured along or across any street, such lighting shall be constant and not flashing, intermittent or animated in any way.

h. Traffic Circulation Plan:

(1) Include calculations of anticipated vehicle trips per day generated by the facility, including peak day, peak morning hour and peak afternoon hour.

(2) Describe access to facility and any internal road system.

i. Environmental Impact Statement (for maximum and medium security penal institutions and other institutions determined by the Wisconsin DHSS or as required under State law).

(1) Include an impact statement determining the social, economic, and environmental impact of the facility on the community including, but not limited to, social; induced socioeconomic; air quality; water quality; historic, archeological and cultural resources; biotic and wildlife communities; loss of prime farmland; wetland and floodplain areas; exterior lighting emissions; solid waste; construction; and community infrastructure and utility support impacts.

j. Environmental Assessment (for other institutions).

(1) Include a statement determining the environmental and socioeconomic affect the facility will have on the community including, but not limited to, air quality; water quality; land use; historic properties; exterior lighting emissions; community infrastructure and utility supports; and socioeconomic (if related to any of the foregoing elements).

k. The facility shall meet all applicable Federal, State and local regulations, requirements and licenses.

l. In the case of maximum or medium security penal institutions, the site shall be a minimum 50 acres. In the case of minimum security penal institutions, mental institutions, and juvenile correctional institutions, the site shall be a minimum 3 acres.

m. The site shall have soils suitable for all proposed buildings and structures and the site shall drain properly.

n. The site shall not have any heavily wooded areas, ponding areas or steep slopes, unless these areas are adequately secured from the public and individuals within the facility.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

7. Rental or Lease of Pier or Dock Space to Boat Owners and Operators in the Rg-2, Rm-1, Rm-2, and I-P Districts.

a. Building Plan as required by **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required by **§4.05 C.** of the Zoning Ordinance.

(1) Location of pier or dock, including water depths, water, sewer and electrical hookups, including routes thereto; storage sheds and any other accessory structure(s); and exterior lighting.

(2) Vehicular access to the site, (i.e. streets, driveways, easements or right-of-ways.

(3) Off-street parking for automobiles, boats and trailers.

c. Drainage Plan as required by **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required by **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which describes:

(1) Use arrangement, (i.e. rental or lease).

(2) Management plan for the supervision, maintenance and repair of the pier or dock space.

(3) Hours, days and months of operation.

(4) Plans for waste and trash storage and removal.

(5) Plans for emergency access and rescue.

(6) Dredging plans if dredging is required.

g. Water, sewer and electrical hookups, pursuant to proper permit and in compliance with City Ordinances and State Statutes.

h. No sale of boats, food, beverages, goods, merchandise, or personal property.

i. No building, repair or restoration work is permitted on any boat.

j. No commercial signs. (A maximum of one 8 square foot sign is permitted solely pertaining to the lease or rental of pier or dock space .)

k. Compliance with the rules and regulations of the Harbor Commission. Dredging must be approved, in advance, by the Common Council and by any other body having jurisdiction thereof.

l. Piers or docks shall not interfere with or obstruct navigable waters and shall not create a public nuisance.

m. Compliance with §30, Wisconsin Statutes.

n. Piers or dock not to exceed pierhead line established by the City.

o. No storage or sale of gas, oil, fuel, or inflammables.

p. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

8. Airstrips, Landing Fields, and Hangars for Personal or Agricultural Related Uses in the A-1 and A-2 Districts.

a. Building Plan as required in **§4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required in **§4.05 F.** of the Zoning Ordinance.

f. The parcel shall be a minimum of 35 acres and the petitioner shall meet all Federal aviation and Wisconsin Department of Transportation standards required by other Federal and/or State agency retaining jurisdiction over such airstrip and landing fields.

g. Any building, hangar or other structure shall be at least 100 feet from any street or boundary line.

h. Any proposed runway or landing strip 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.

i. 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.

j. Airstrips and landing fields in the A-1 and A-2 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.

k. Storage of any combustible fuels shall be in accordance with any State and Federal regulations and due consideration shall be given so as to insure safe storage of such fuels.

l. 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.

m. No more than two (2) planes shall be housed on the premises except for the case of airports in the I-P District.

n. No Conditional Use Permit shall be given unless all necessary Federal and State permits have been placed on file with the Department of City Development.

o. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

9. Wind Energy Conversion Systems Commonly Called "Windmills" in the RR-1, A-1, A-2, and C-2 Districts.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance, plus:

(1) 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.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance, plus:

(1) The site shall be a minimum of five (5) acres.

(2) 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. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in §4.05 E. of the Zoning Ordinance, plus:

(1) 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.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance, plus:

(1) 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.

(2) 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 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. 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.

g. 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 restriction imposed shall be included as a part of the wind energy conversion system Conditional Use Permit application.

h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

10. Shelter Facility in the I-P District.

a. Building Plan as required in **§4.05 B**. of the Zoning Ordinance.

b. Site Plan as required in **§4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **§4.05 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **§4.05 E.** of the Zoning Ordinance.

e. Utility Plan as required by **§4.05 F.** of the Zoning Ordinance.

f. Operational Plan which includes:

(1) Name and address of facility operator.

(2) Proposed operation and supervision including the types of programs and services to be offered.

(3) Number of employees.

(4) Proposed maximum bed capacity.

g. The facility shall meet all applicable Federal, State and local regulations, requirements and licenses.

h. Other issues which may have an adverse social, economic, or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the city as a whole.

11. Utility Substations in any District.

a. Building Plan as required in **§4.05 B.** of this Ordinance.

b. Site Plan as required in **§4.05 C.** of this Ordinance.

c. Drainage Plan as required in **§4.05 D.** of this Ordinance.

d. Landscape Plan as required in **§4.05 E.** of this Ordinance,

(1) Utility substation structure(s) must be effectively screened from adjacent properties and street frontages.

e. Utility Plan as required in **§4.05 F.** of this Ordinance.

f. Operational Plan, which includes:

(1) Name and address of the facility operator.

(2) Facility maintenance detail.

g. The facility shall meet all applicable Federal, State and local regulations, licenses and permitting requirements.

h. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

12. Financial Institutions, Including Related Drive-thru Facilities, in the IP District.

a. Building Plan as required in **Section 4.05 B.** of the Zoning Ordinance.

b. Site Plan as required in **Section 4.05 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Section 4.06 D.** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.06 E.** of the Zoning Ordinance.

e. Utility Plan as required in **Section 4.06 F.** of the Zoning Ordinance.

f. Parking and Traffic Circulation Plan, including service window requirements, in compliance with **Section 4.06 B.** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic, or environmental impact, or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

13. Communication Towers, Radio/Television/Relay Towers and Antennas in The B-2, B-3, M-1, M-2, IP, A-1 and A-2 Districts. The Co-Location of Antennas is preferred. Accordingly, if the applicant proposes a new Communication Tower installation, they shall demonstrate, to the reasonable satisfaction of the Review Authority, that no existing Tower or Alternative Tower Structure can accommodate their proposed Antenna. Upon a showing by the applicant that the following circumstances exist, the applicant shall be deemed to have satisfactorily demonstrated the need for a new Communication Tower. In evaluating such circumstances, the Review Authority may employ the services of a consulting expert, the expense for which shall be reimbursed by the applicant as an administrative cost of processing the application and will present this report to the Alderman of the District and any Board, Authority or Commission having control of a City-owned site located within five hundred (500') feet of the proposed new Communication Tower installation.

(1) No Alternative Tower Structure is available to accommodate Co-Location.

(2) Existing Alternative Tower Structures are not of sufficient height or otherwise fail to meet engineering requirements for coverage and capacity needs as provided for in the 1996 Telecommunications Act and subsequent case law interpreting the act.

(3) The proposed Antenna would cause interference with another Antenna located on an Alternative Tower Structure.

(4) A City-owned Site is not available for a Co-Location or new Communication Tower.

a. Building Plan as required in **Section 4.05 B.** and **Section 14** of this Ordinance, including Communication Tower, Radio/Television/Relay Tower and adjoining service buildings.

(1) Communication Towers, Radio/Television/Relay Towers shall have Stealth Design when required by the Review Authority. If Stealth Design is not required, a Monopole rather than Lattice Tower shall be required for towers under one hundred fifty (150') feet in height.

(2) Equipment facilities and/or accessory buildings shall be designed with materials in conformance with **Section 14.07 B.10.a.** of this Ordinance, and all equipment facilities and accessory buildings on a site shall be designed with compatible materials. All Co-Locators are encouraged, but not required, to be housed within a common building. Equipment facilities and accessory buildings in existence prior to January 1, 2005, are exempt from the requirements of this Section.

(3) Equipment areas that are fenced shall be fenced with a six (6') foot fence constructed as determined by the Review Authority.

b. Site Plan as required in **Section 4.05 C.** and **Section 14** of this Ordinance, plus:

(1) Location and footprint of all building(s) and structure(s) for entire parcel, including existing buildings, existing structures and tower setbacks from lot lines, street right-of-ways, and existing buildings.

(2) The location of all existing off-street parking spaces. All parking spaces shall be paved with asphaltic concrete or Portland cement concrete.

(3) Access easements, if applicable. All access easements shall be a minimum of eighteen (18') feet wide and shall be paved.

(4) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular Tower.

(5) The use of any portion of a Tower for signs other than warning or equipment information signs is prohibited.

c. Drainage Plan as required in **Section 4.05 D.** and **Section 14** of the Zoning Ordinance.

d. Landscape Plan as required in **Section 4.05 E.** and **Section 14.08 H.,** Commercial Site Landscaping Requirements of the Zoning Ordinance. Antennas that are installed on existing Alternative Tower Structures, shall, at a minimum, provide a five (5') foot wide landscape area around the service building. All other landscaping requirements may be waived for existing Towers or Antennas installed on existing buildings or other structures.

e. Utility Plan as required in **Section 4.05 F.** and **Section 14** of the City of Kenosha Zoning Ordinance.

f. Operation Plan, which includes:

(1) Name and address of facility operator.

(2) Facility maintenance detail.

(3) A narrative and map description of the applicant's system-wide plan describing existing and applied for facilities to serve the community. The system-wide plan shall extend for a distance of a minimum of one (1) mile beyond the municipal boundary of the City.

g. Yard Requirements For Communication Towers.

(1) Front Yard. There shall be a minimum front yard of one hundred (100') feet, measured from the front lot line, or from the setback of any major street.

(2) Side Yards.

(a) Interior Side Yard. There shall be a minimum interior side yard of twenty-five (25') feet. Where a side lot line abuts a residential district, there shall be an interior side yard of not less than one hundred (100') feet, measured from the base of the Tower or any support wires to the lot line. Corner lots shall have one (1) street side yard and one (1)

interior side yard.

(b) Street Side Yard. There shall be a minimum street side yard of twenty-five (25') feet, measured from the street side lot line, or from the setback of any major street to the base of the Tower or any support wires. Corner lots shall have one (1) street side yard and one (1) interior side yard.

(3) Rear Yard. There shall be a minimum rear yard of twenty-five (25') feet. Where a rear lot line abuts a residential district, there shall be a rear yard of not less than one hundred (100') feet measured from the base of the Tower or any support wires to the rear lot line.

(4) Spacing From Buildings. New Communication Towers, except for those indicated in **Section 4.06 D.13.g.(5)**, shall in no case be permitted to be erected or constructed within one hundred (100') feet of any existing occupiable buildings.

(5) New Communication Towers Utilizing Stealth Design. New Communication Towers utilizing Stealth Design, which do not meet the yard requirements or spacing requirements of **Sections 4.06 D.13.g.(1)** through **(4)** may be constructed when so authorized by the City Plan Commission. All equipment facilities constructed under authorization of this Section shall be located underground or within the principal structure on the Site.

(6) Spacing Between Communication Towers. New Communication Towers shall in no case be permitted to be erected or constructed within a one thousand (1,000') foot radius of another Communication Tower, unless the Review Authority makes a determination that this requirement causes an unnecessary hardship. In evaluating such circumstances, the Review Authority may employ the services of a consulting expert, the expense for which shall be reimbursed by the applicant as an administrative cost of processing the application. This requirement is exempted for City-owned Sites.

h. Yard Requirements For Radio/Television/Relay Towers.

(1) Location From Property Line. All new Radio/Television/Relay Towers shall be located a minimum of two hundred (200') feet from any property line.

(2) Spacing From Buildings. New Radio/Television/Relay Towers shall not be permitted to be erected or constructed within two hundred (200') feet of any existing occupiable building(s).

(3) Spacing Between Radio/Television/Relay Towers. New Radio/Television/Relay Towers shall in no case be permitted to be erected or constructed within a two (2) mile radius of another Radio/ Television/Relay Tower.

i. Installation of Antennas on Alternative Tower Structures.

(1) New Antennas installed on Alternative Tower Structures shall be exempt from yard requirements and spacing requirements from existing buildings and other Communication Towers, Radio/Television/Relay Towers.

(2) Applicants proposing to install Antennas on Alternative Tower Structures shall submit an engineering report detailing the feasibility of the Alternative Tower Structure to support the proposed Antenna(s) and any supporting equipment.

(3) All new Communication Towers and Radio/Television/Relay Towers shall be structurally and electrically designed to accommodate Co-Locations as listed below, unless credible evidence is presented that said construction is economically and technologically unfeasible:

(a) Between 50 and 100 feet: one (1) primary Antenna and one (1) Co-Location.

(b) Greater than 100 feet to 125 feet: one (1) primary Antenna and two (2) Co-Locations.

(c) Greater than 125 feet to 150 feet: one (1) primary Antenna and three (3) Co-Locations.

(d) Greater than 150 feet: one (1) primary Antenna and four (4) Co-Locations.

j. Removal of Abandoned Antennas and Towers. Any Antenna or Tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such Antenna or Tower shall remove same within ninety (90) days of receipt of notice from the City of Kenosha notifying the owner of such abandonment. If such Antenna or Tower is not removed within said ninety (90) days, the City of Kenosha may remove such Antenna or Tower at the owner's expense. All physical and administrative costs incurred with the removal of the Antenna or Tower shall be assessed against the property in the form of a special tax assessment. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

k. Leased Sites. With respect to leased land, the facility operator shall inform the property owner that the real property upon which a Communication Tower or Antenna is located may be charged a special assessment to cover the cost of removal if the Communication Tower or Antenna is not removed after the termination of operations. Verification of such notice to the owners shall be in the form of a letter to be filed in the office of the Department of City Development.

l. The facility shall meet all applicable Federal, State and local regulations, licenses and permitting requirements.

m. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties of the City as a whole.

14. Institutional Development in the HRPO

District:

a. Building Plan as required in **Sections 4.05 B**. and **14.07 B.** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

f. Development standards of the Harborpark Development Code required in **Section 3.29** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

15. Development in the Institutional Park (IP) District Consisting of Two (2) or More Buildings on a Single Parcel or Group of Contiguous Parcels, or a Single Building With a Floor Area of Twenty Thousand (20,000) Square Feet or Greater.

a. Building Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

b. Site Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

c. Drainage Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

d. Landscape Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

e. Utility Plan as required in **Sections 4.05** and **14.07** of the Zoning Ordinance.

f. Operational Plan.

(1) A copy of any restrictive covenants shall be provided.

(2) Hours of operation shall be indicated.

g. Other issues which may have an adverse impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

16. Off-Premise Signs in the B-2, M-1 or M-2 Districts:

a. Site Plan as required in **Sections 4.05 C.** and **14.07 C.** of the Zoning Ordinance.

b. Drainage Plan as required in **Sections 4.05 D.** and **14.07 E.** of the Zoning Ordinance.

c. Landscape Plan as required in **Sections 4.05 E.** and **14.07 F.** of the Zoning Ordinance.

d. Utility Plan as required in **Sections 4.05 F.** and **14.07 D.** of the Zoning Ordinance.

e. The Off-Premise Sign shall meet all dimensional and locational requirements of Chapter 15 of the Code of General Ordinances.

f. The Review Authority shall require the paving of any areas defined as a Parking Facility in Chapter 5 of the Code of General Ordinances that are not paved on the site proposed for the Off-Premise Sign. Parking facility(ies) shall be landscaped in conformance with **Section 14** of the Zoning Ordinance. Site lighting for the parking facility(ies) shall be installed in conformance with **Section 14.07 D.11.** of the Zoning Ordinance.

g. Other issues which may have an adverse social, economic or environmental impact or affecting the health, safety or welfare of abutting or neighboring properties or the City as a whole.

E. All Conditional Use Permits. All applicants for Conditional Use Permits may be required to submit an Economic Impact Assessment, and/or a Traffic Impact Assessment.

1. Economic Impact Assessment. An Economic Impact Assessment shall be prepared by the Department of City Development, or if required by the Department of City Development, by an outside consulting expert, the expense for which shall be the responsibility of the applicant. The Economic Impact Assessment shall weigh the positive and negative impacts of the proposed development upon the City economy with due consideration of the following:

- Type of business/service proposed;
- Job retention and creation, including quantity and quality of jobs created;
- Tax base;
- Public costs and improvements;
- Environmental impacts;
- Community cohesion and stability;
- Property values;
- Community institutions and services;
- Utilities; and,
- Traffic and public safety.

The applicant, at any time in the application and review process, may submit their own Economic Impact Assessment, which shall be considered by the reviewing authority. The Department of City Development may require the applicant to submit a professionally prepared Economic Impact Assessment.

2. Traffic Impact Assessment. A Traffic Impact Statement shall be prepared by the City Department of Public Works, or if required by the Department of Public Works, by an outside consulting expert, the expense for which shall be the responsibility of the applicant, which shall assess the impact of motor vehicle traffic generated by the proposed development on existing streets which will serve the proposed development, and which shall assess the need for new streets, parking facilities,

and traffic control devices generated by the proposed development. The applicant, at any time in the application and review process, may submit their own Traffic Impact Assessment. The Department of Public Works may require the applicant to submit a professionally prepared Traffic Impact Assessment.

4.07 PUBLIC COSTS AND IMPROVEMENTS

The Reviewing Authority shall require, as a condition of the granting of a Conditional Use Permit, that the applicant pay for public costs and improvements, as determined by an Economic Impact Assessment and Traffic Impact Assessment, at the time of application for a Building Permit, which are generated by and uniquely attributable to the development.