

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39th AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
MARCH 24, 2014**

AGENDA

1. Call to Order.
2. Roll Call.
3. Consider the minutes of the March 10, 2014 Plan Commission meeting.
4. Correspondence.
5. Citizen Comments.
6. New Business.
 - A. **PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-08 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN** as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.
 - B. **PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AND MAP AMENDMENTS** as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin: **1)** to repeal Section 420-101 entitled, "A-1 Agricultural Preservation District"; **2)** to repeal Section 420-14 entitled, "Amendments to Agricultural Preservation Districts"; **3)** to amend the following Sections to remove references to the A-1 District and the recently repealed A-4 District and ALHO Districts: Section 420-38 D (6) related to Performance Standards; Section 420-39 C related to pet and animal regulations; Sections 420-49 A and B related to other parking requirements; Sections of 420-86 B related to detached accessory building standards; Section 420-145 H related to notices of conditional uses granted; Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses; Section 420-148 B (20) related to conditional use standards for community living arrangements; and Section 420-148 B (123) related to conditional use standards for wind energy conversion systems; **4)** to amend section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts and to clarify street setbacks required; **5)** to delete the basic zoning district "A-1 Agricultural Preservation District" from Section 420-100 A (1); **6)** to amend Section 420-139 B (8) related to the average street setback and to remove the reference to the A-1 District and add a reference to the AGO District; and **7)** to rezone portions of the property located at 6109 85th Street from A-1, Agricultural Preservation District to A-2, General Agricultural District.
7. Adjourn.

It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information; no action will be taken by any other governmental body except the governing body noticed above.

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 39th Avenue, Pleasant Prairie, WI (262) 694-1400.

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
March 10, 2014**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on March 10, 2014. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessl; Jim Bandura; John Braig; and Bill Stoebig (Alternate # 1). Judy Juliana and Andrea Rode (Alternate #2) were excused. Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant Village Administrator and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE FEBRUARY 10, 2014 PLAN COMMISSION MEETING.**

Don Hackbarth:

So moved to approve.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO APPROVE THE MINUTES OF THE FEBRUARY 10, 2014 PLAN COMMISSION MEETING AS PRESENTED IN WRITTEN FORM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**
- 5. CITIZEN COMMENTS.**

Tom Terwall:

If you're here for Items A through C which are matters for public hearing, we would ask that you hold your comments until the public hearing is held so your comments can be included as part of the official record. However, if you wish to discuss an item that is not a matter for public hearing or if you want to raise a question about an item not on the agenda now would be your opportunity to do so. We would ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-81 A related to residential fence requirements.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, before you is a request for a zoning text amendment specifically to amend Section 420-81A related to residential fence requirements. On January 13, 2014, the Village Plan Commission adopted Resolution #14-01 to initiate an amendment to the Village Zoning Ordinance to re-evaluate the fence requirements. And this is related specifically to the placement of the good side of the fence to the neighboring property.

In reviewing ordinance requirements for nearby communities such as the City of Kenosha, the Village staff is recommending that we follow suit to some of our neighboring communities and that we amend Section 420-81A by considering a new subsection. And basically the two subsections (14) and (15) the first reads all structural and support components of a fence shall face away from adjacent properties. And, (15) fences shall be installed with the finished side facing the adjacent property or public right-of-way. In other words what this means is that the good side is facing out. With that I would like to continue the public hearing.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Seeing none, I'll open it up to comments.

Michael Serpe:

Public hearing is closed?

Tom Terwall:

Yes.

Michael Serpe:

Question for you, Jean. You have a parcel that abuts an open field and there's not going to be any development on that field are we still going to force that person to put the good side out?

Jean Werbie-Harris:

Well, first of all in Pleasant Prairie we never say never since development is always impending and we do have a land use plan that identifies the various land uses. But, yes, the requirement would be that the good side faces out because the general public could view it, it could be an adjacent street, a walkway, a trail. It could be any other type of facility like that that the public could see that particular area. So, yes, I think that the good side should always face out.

Tom Terwall:

This would not be retroactive then, right?

Jean Werbie-Harris:

No.

Tom Terwall:

So any face that's already up stays up?

Jean Werbie-Harris:

Until they take the fence down. If they take it down entirely then they need to put it back up the opposite direction.

Wayne Koessl:

I think it's a good move because it's aesthetically pleasing to the neighbors and the people on the roads.

John Braig:

On the corner of 85th and 39th Avenue is a dental office. It has one of those dense wooden fences, one [inaudible] facing the dental office. That's a business. I believe the fence might be on the dental office property. Does this ordinance pertain only to residential fences?

Jean Werbie-Harris:

It does.

John Braig:

So a business could have a fence on their property with the decorative facing the business?

Jean Werbie-Harris:

Right. But as part of our site and operational plan review process, again, that particular dental office came into effect before we had those regulations. Through the site and operational plan process the Village Plan Commission and the staff could require that the fence face a certain direction as part of that approval.

John Braig:

What would be your --

Jean Werbie-Harris:

Or have a double facing fence.

John Braig:

Double facing you'd want?

Jean Werbie-Harris:

Yes.

Don Hackbarth:

That's the point I was going to make. You could probably add another (16) on here and say that unless the fence is a double face, the beautiful side on both sides.

Jim Bandura:

Board on board.

Don Hackbarth:

Board on board on both sides because then --

Jean Werbie-Harris:

Then it meets number 15 because the finished side is facing the outside and the finished side could be facing the inside.

Tom Terwall:

Anything else?

John Braig:

Move approval.

Wayne Koessl:

Second, Chairman.

Tom Terwall:

IT'S BEEN MOVED BY JOHN BRAIG AND SECONDED BY WAYNE KOESSL TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THIS AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

B. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-48 J related to traffic, parking and access provisions for building setbacks to fire lanes.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a consideration of a zoning text amendment and public hearing this evening, and this is to Section 420-48J. It's related to traffic, parking and access provisions for building setbacks to fire lanes. On February 10, 2014, the Plan Commission adopted Resolution #14-06 to initiate an amendment to the Village Zoning Ordinance to re-evaluate the traffic, parking and access zoning provisions as it relates to fire lane setback regulations.

The Village staff is recommending that the following amendment to section 420-48 J be approved and would read as follows: J. Fire lanes. All required fire lanes shall be all-weather, paved surface roadways with a minimum width of 30 feet and setback at least the maximum height of the building adjacent to the fire lane, but not too exceed 50 feet from the building, unless otherwise approved by the Fire and Rescue Chief.

There was some misunderstanding that the Fire Chief and the fire department thought this provision was already in the zoning ordinance this way. And there had been a lot of discussion about it, but it had never actually been placed in the zoning ordinance. So we're trying to clarify and to make sure that it's very clear what the provisions are with respect to setbacks of the fire lane in relation to the building. This is a public hearing.

Tom Terwall:

Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak? Hearing none, I'll open it up to comments. Yes, Mike?

Michael Serpe:

What does this do, Jean, to buildings that we've approved at the lesser distance.

Jean Werbie-Harris:

It really doesn't do too much because this is the provision that had been enforced by the previous Chief and this Chief all the way up to this point. And finally someone had asked the question where is it in the ordinance, let's clarify it. And when we went to the ordinance we found that even though we had been interpreting it and enforcing it a certain way and everyone had agreed to it, it was really not clear with respect to being in the ordinance. So I'm not sure that we have too many. But there is a last provision there that says unless otherwise approved by the Fire and Rescue Chief. So there might have been one or two but I can't think of too many because that was pretty much a standard with the previous Chief and with the current Chief.

Mike Pollocoff:

This may be short circuited somewhat since the State is looking at eliminating or minimizing fire standards for buildings.

Michael Serpe:

I move approval of the zoning text amendment.

Jim Bandura:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JIM BANDURATO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE ZONING TEXT AMENDMENT AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

C. PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT to amend Section 420-131 T (2) (e) to clarify regulations related to 100-year floodplain boundary adjustments.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission and the audience, this is a consideration of a zoning text amendment to amend Section 420-131T (2)(e) to clarify the regulations related to the 100 year floodplain boundary adjustments. On February 10, 2014, the Village Plan Commission adopted Resolution #14-07 to initiate an amendment to the Zoning Ordinance. This amendment would be to specifically modify the floodplain regulations in order to clarify that the flood storage capacity may be compensated within an existing or newly created floodplain as part of that adjustment.

So specifically as part of that particular paragraph, paragraph (e) reads: Whenever any volume of flood storage capacity is removed from the floodplain, as defined by the ground surface and the regional flood elevation, an equal volume of flood storage capacity shall be created within the existing or newly created floodplain boundary, in the vicinity of the removal, to compensate for the lost flood storage capacity. So that's primarily the change just, again, to clarify for engineers and other businesses that are looking to do floodplain boundary adjustments. The same purpose, the intent, regulations and rules are all still part of the ordinance. We send this information also to the Wisconsin DNR since they need to approve any amendments to the floodplain ordinance. And they send an email back on February 27, 2014 indicating that they had no conflicts or concerns regarding our minor amendment to the ordinance. It's just as a point of clarification.

Tom Terwall:

This is a matter for public hearing. Is there anybody wishing to speak on this matter? Anybody wishing to speak? Anybody wishing to speak. Hearing none I'll open it up to comments.

Jim Bandura:

Mike Spence, I've got a quick question. How would this affect -- you know there's culverts especially in Chateau, and you've got floodplain boundaries on both sides of the street out there. And the culverts are silting in. And if some point in time the Village decides that we need to replace the culverts how would this affect it or would it? Would it place any restrictions on the Village to fix it?

Mike Spence:

Mike Spence, Village Engineer, 9915 39th Avenue. I don't think it would affect it. What this amendment does is it really clarifies where we allow work in floodplains for comp storage. We used to interpret it as outside of the floodplain area. But as long as we're providing the same volume of flood storage really we're not changing anything. If, in fact, we're doing some work by culverts there's a number of issues that we'd have to deal with including if there's wetlands and so forth. So there's a lot of factors there. I don't know if I answered that, but I don't see that it would affect our ability to do that.

Jim Bandura:

Okay.

Tom Terwall:

Mike, does the Governor need until February on this one, too?

Mike Pollocoff:

I think he'd get a special session for it.

Tom Terwall:

Pardon me?

Mike Pollocoff:

He could probably do a special session on this.

Tom Terwall:

Okay, but it's okay for us to go ahead in the interim?

Mike Pollocoff:

In the interim.

Tom Terwall:

Anything further?

Wayne Koessl:

Mr. Chairman, I move we send a favorable request to the Village Board to approve.

Jim Bandura:

Second.

Tom Terwall:

MOTION BY WAYNE KOESSL AND A SECOND BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

D. Consider the requests of Stacey Wendt and Delbert and Sandra Wendt owners of the property located at 2028 and 2020 89th Place for approval of a Lot Line Adjustment between their properties and the property to the north located at 8911 22nd Avenue owned by Ronald Macik and Lanette Allen.

Jean Werbie-Harris:

Specifically Mr. Chairman and members of the Plan Commission, the property owners you just mentioned are looking for a lot line adjustment between their properties and the property to the north which is located at 8911 22nd Avenue which is owned by Ronald Macik and Lanette Allen. So in looking at the overhead the property is located at 2028 89th Place identified as Tax Parcel 93-4-123-183-0021 owned by Stacey Wendt, and 2020 89th Place identified as 93-4-123-183-0020 owned by Delbert and Sandra Wendt Revocable Trust are proposed to be adjusted with the property to the north at 8911 22nd Avenue which is identified as Tax Parcel 93-4-123-183-0010 owned by Ronald Macik and Lanette Allen.

Specifically, 28.25 feet is being removed for the Macik and Allen lot and added to the rear of the Stacey Wendt and Delbert and Sandra Wendt lots resulting in an increased depth for both of the Wendt properties. All properties are zoned R-6, Urban Single Family Residential District, which requires lots to be a minimum of 6,000 square feet. After the adjustment all lots will continue to meet the minimum lot area of the R-6 District. The Lot Line Adjustment will comply with the requirements set forth in the Village's Zoning Ordinance and Land Division and Development Control Ordinance. The Village staff recommends approval of the lot line adjustment subject to the petitioners recording the proper transfer documents with the plat of survey for the lot line adjustment as an exhibit with the Kenosha County Register of Deed's office within 30 days of the Village's final approval.

Tom Terwall:

Are any of these three lots developed now?

Jean Werbie-Harris:

I think they all have homes on them.

Sandra Wendt:

[Inaudible] my daughter at 2028 89th and we're 2020.

Jean Werbie-Harris:

Could I have you come to the microphone, Mrs. Wendt? Could I have you come up to the microphone so we can just get you on the record.

Tom Terwall:

Give us your name and address for the record would you please, ma'am?

Sandra Wendt:

Sandra Wendt, 2020 89th Place. And we're asking for the extra 28 feet. Stacey lives at 2028, single family dwelling, two story house. Delbert and I live at 2020 89th Place, single family dwelling, two story home.

Tom Terwall:

And the lot that's giving up the 28 feet is there a residence on that property as well?

Sandra Wendt:

No, that all belongs to Ron Macik and Lanette Allen.

Jean Werbie-Harris:

There actually is a house on it, but as you can see by the aerial it sits further back.

Sandra Wendt:

Because they're on 22nd. We're on 89th Place. So the land really faces -- on the north side faces 89th Street.

Tom Terwall:

Any comments or questions?

Don Hackbarth:

Just a quick question. What was the size of the lot before the addition, how many square feet?

Jean Werbie-Harris:

120 by 100 so 12,000 square feet. Actually right between the 2, between R-4 and R-5.

Tom Terwall:

What's your pleasure, gentlemen?

Don Hackbarth:

Move approval.

John Braig:

Second.

Tom Terwall:

It's been moved by Don Hackbarth and seconded by John Braig to send a favorable recommendation to the Village Board to approve the lot line adjustment as presented. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

Move adjournment.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY JOHN BRAIG AND SECONDED BY MIKE SERPE TO ADJOURN. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Meeting Adjourned: 6:18 p.m.

- A. **PUBLIC HEARING AND CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-08 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN** as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

Recommendation: Village staff recommends that the Plan Commission approve Plan Commission Resolution #14-08 as presented and send a favorable recommendation to the Village Board to approve the Comprehensive Plan Amendments.

- B. **PUBLIC HEARING AND CONSIDERATION OF SEVERAL ZONING TEXT AND MAP AMENDMENTS** as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin: **1)** to repeal Section 420-101 entitled, "A-1 Agricultural Preservation District"; **2)** to repeal Section 420-14 entitled, "Amendments to Agricultural Preservation Districts"; **3)** to amend the following Sections to remove references to the A-1 District and the recently repealed A-4 District and ALHO Districts: Section 420-38 D (6) related to Performance Standards; Section 420-39 C related to pet and animal regulations; Sections 420-49 A and B related to other parking requirements; Sections of 420-86 B related to detached accessory building standards; Section 420-145 H related to notices of conditional uses granted; Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses; Section 420-148 B (20) related to conditional use standards for community living arrangements; and Section 420-148 B (123) related to conditional use standards for wind energy conversion systems; **4)** to amend section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts and to clarify street setbacks required; **5)** to delete the basic zoning district "A-1 Agricultural Preservation District" from Section 420-100 A (1); **6)** to amend Section 420-139 B (8) related to the average street setback and to remove the reference to the A-1 District and add a reference to the AGO District; and **7)** to rezone portions of the property located at 6109 85th Street from A-1, Agricultural Preservation District to A-2, General Agricultural District.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Map and Text Amendments as presented.

THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME HOWEVER SEPARATE ACTION IS REQUIRED.

VILLAGE STAFF REPORT OF MARCH 24, 2014

CONSIDERATION OF PLAN COMMISSION RESOLUTION #14-08 FOR AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

CONSIDERATION OF SEVERAL ZONING TEXT AND MAP AMENDMENTS as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin: **1)** to repeal Section 420-101 entitled, "A-1 Agricultural Preservation District"; **2)** to repeal Section 420-14 entitled, "Amendments to Agricultural Preservation Districts"; **3)** to amend the following Sections to remove references to the A-1 District and the recently repealed A-4 District and ALHO Districts: Section 420-38 D (6) related to Performance Standards; Section 420-39 C related to pet and animal regulations; Sections 420-49 A and B related to other parking requirements; Sections of 420-86 B related to detached accessory building standards; Section 420-145 H related to notices of conditional uses granted; Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses; Section 420-148 B (20) related to conditional use standards for community living arrangements; and Section 420-148 B (123) related to conditional use standards for wind energy conversion systems; **4)** to amend section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts and to clarify street setbacks required; **5)** to delete the basic zoning district "A-1 Agricultural Preservation District" from Section 420-100 A (1); **6)** to amend Section 420-139 B (8) related to the average street setback and to remove the reference to the A-1 District and add a reference to the AGO District; and **7)** to rezone portions of the property located at 6109 85th Street from A-1, Agricultural Preservation District to A-2, General Agricultural District.

THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME HOWEVER SEPARATE ACTION IS REQUIRED.

On February 10, 2014 the Village Plan Commission adopted Plan Commission Resolution #14-05 to initiate amendments to the Village 2035 Comprehensive Plan, the Village Zoning Ordinance (text and map) as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

The Wisconsin's Farmland Preservation Program under Chapter 91 of the Wisconsin Statutes was signed into law as 2009 Wisconsin Act 28. The Act has three main components. First, it updates the State's current Farmland Preservation Program; second, it gives the ability for farmers and local units of government to establish voluntary Agricultural Enterprise Areas; and finally it provides a State program to help with the purchase of agricultural conservation easements.

Pursuant to Section 91.10 of the Wisconsin Statutes, Kenosha County, is authorized to prepare and adopt a Farmland Preservation Plan as defined in Section 91.10(1) of the Wisconsin State Statutes. An agreement exists between Kenosha County and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for the County to submit a Farmland Preservation Plan to DATCP for certification under section 91.16 of the Wisconsin State Statutes, by December 31, 2011. Adoption of a certified Farmland Preservation Plan makes farmers and landowners eligible to participate in the State tax credit program, agricultural enterprise areas and the purchase of agricultural conservation easement program.

The Kenosha County Farmland Preservation Plan was prepared by the Kenosha County Department of Planning & Development with input from, and with the oversight of, the Farmland Preservation Advisory Committee, which included representation from the Village of Pleasant

Prairie, and through public open houses and meetings. The Kenosha County Farmland Preservation Plan contains data, maps, goals, objectives and policies required by, and in accordance with section 91.10(1) of the Wisconsin State Statutes.

On September 19, 2011 the Village Board adopted Ordinance #11-25 to update the 1981 Kenosha County Farmland Preservation Plan as a component of the Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan pursuant to Chapter 390 of the Village Code of Ordinances.

Kenosha County submitted the Kenosha County Farmland Preservation Plan to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for final review and certification that indicated one (1) property within the Village that the Village believed participated in the Farmland Preservation Program. However, the Kenosha County Farmland Preservation Plan was approved by DATCP without any agricultural preservation lands within the Village of Pleasant Prairie, because there were no farmers actively participating in the program. Furthermore, on January 10, 2014, the Village received the **attached** letter indicting that the Village is no longer certified for Farmland Preservation Program for the tax year 2013 because there were not participants.

As a result the Village is proposing to amend the Comprehensive Plan to note that as of December 31, 2012, the Village is no longer certified for Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection and to repeal the adoption of the Kenosha County Farmland Preservation Plan (2011 update) as a component of the Village's Comprehensive Plan. Specifically, the **Comprehensive Plan amendments** include:

1. **In Chapter 6 (page 206) of said Plan the 1st paragraph under the heading Soil Suitability for Agricultural Production is being amended to read (last sentence was added):**

Soil Suitability for Agricultural Production

The NRCS has classified the agricultural capability of soils based on their general suitability for most kinds of farming. These groupings are based on the limitations of the soils, the risk of damage when used, and the way in which the soils respond to treatment. The location and amount of Class I, II, and III soils, as set forth in Map 6.4 and were an important consideration when farmland preservation areas were identified in the existing County farmland preservation plan (adopted in 1981). [As of December 31, 2012, the Village is no longer certified for the Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.]

2. **In Chapter 6 (page 277) of the Plan, the following recommendation related to Agricultural Resources is being deleted:**

- Continue to participate in and support the Wisconsin Farmland Preservation Program which provides income tax credits to eligible farmland owners in the Village.

3. **In Chapter 9 (page 383) of the Plan, the last sentence is being added to the 2nd to the last paragraph on the page related to the 2035 Land Use Plan, Background data and maps:**

Since the majority of the Village is located within sewer and water urban service areas, Agricultural lands within the Village are only intended to remain in agricultural uses until the property owner wishes to development their land for urban purposes. It is anticipated that these uses will be converted to urban uses by 2035. In 2009, the Village is aware of one (1) property owner that is involved in the Farmland Preservation Program and it is intended that this property will remain in agricultural uses for the next 20 years; however, if the property owner decides to

develop this land for urban purposes the Village shall promptly evaluate the land use plan and designate the appropriate land use designation on the property. [As of December 31, 2012, the Village is no longer certified for the Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.]

4. To delete Section 390-6 E of the Village Comprehensive Plan Ordinance related to adopted detailed components of the Comprehensive Plan:

E. Kenosha County Farmland Preservation Plan (2011 update).

Since the Village is no longer certified for the Farmland Preservation Program, the Zoning Ordinance as attached (text and map) are proposed to be amended. Generally the following amendments are proposed:

1. To repeal Section 420-101 entitled, "A-1 Agricultural Preservation District".
2. To repeal Section 420-14 entitled, "Amendments to Agricultural Preservation Districts".
3. To amend the following Sections to remove references to the A-1 District and the recently repealed A-4 District and ALHO Districts: Section 420-38 D (6) related to Performance Standards; Section 420-39 C related to pet and animal regulations; Sections 420-49 A and B related to other parking requirements; Sections of 420-86 B related to detached accessory building standards; Section 420-145 H related to notices of conditional uses granted; Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses; Section 420-148 B (20) related to conditional use standards for community living arrangements; and Section 420-148 B (123) related to conditional use standards for wind energy conversion systems.
4. To amend section 420-87 B related to decks to clarify that these regulations refer to properties zoned in the Agricultural or Residential Districts and to clarify street setback.
5. To delete the basic zoning district "A-1 Agricultural Preservation District" from Section 420-100 A (1).
6. To amend Section 420-139 B (8) related to the average street setback to remove the reference to the A-1 District and add a reference to the AGO District.
7. To rezone portions of the property located at 6109 85th Street from A-1, Agricultural Preservation District to A-2, General Agricultural District. Portions of the property that are zoned C-1, Lowland Resource Conservancy District; FPO, Floodplain Overlay District or are located within the shoreland jurisdictional area will remain unchanged.

Recommendations:

Item A: Village staff recommends that the Plan Commission approve Plan Commission Resolution #14-08 as presented and send a favorable recommendation to the Village Board to approve the Comprehensive Plan Amendments.

Item B: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Map and Text Amendments as presented.



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

January 9, 2013

Village recieved letter on January 10, 2014

Diane Hardt, Administrator
Division of Income, Sales, and Excise Tax
Wisconsin Department of Revenue
2135 Rim Rock Road, 6-40
Madison, Wisconsin 53713-8903

Dear Ms. Hardt:

I am writing to inform you that the **Farmland Preservation Program zoning ordinance for the Village of Pleasant Prairie in Kenosha County** is no longer certified for Farmland Preservation Program for tax year 2013. The certification of the Village of Pleasant Prairie's FPP zoning ordinance expired at the end of 2012.

Farmers that own land in the Village of Pleasant Prairie are not eligible to claim tax credits through the Farmland Preservation Program under farmland preservation zoning in tax year 2013.

Please update your records to show that farmers with land in the Village of Pleasant Prairie are not eligible for Farmland Preservation program tax credits.

Sincerely,

Keith Foye, Director
Bureau of Land and Water Resources

cc: Michael Pollocoff, Administrator, Village of Pleasant Prairie, 9915 39th Avenue, Pleasant Prairie WI 53158
Dan Treloar, Land and Water Conservationist, Kenosha County Office of Planning and Development
Kevin Brandt, Supervisor, DOR Central Audit Unit
Keith Foye, DATCP

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**VILLAGE OF PLEASANT PRAIRIE PLAN COMMISSION
RESOLUTION #14-08**

**TO AMEND THE VILLAGE OF PLEASANT PRAIRIE, WISCONSIN
2035 COMPREHENSIVE PLAN**

WHEREAS, on December 19, 2009 the Village Board adopted the *Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan* (Comprehensive Plan); and

WHEREAS, on February 10, 2014 the Village Plan Commission adopted Plan Commission Resolution #14-05 to initiate amendments to the Village 2035 Comprehensive Plan, the Village Zoning Ordinance (text and map) as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin; and

WHEREAS, the following amendments to the Comprehensive Plan are proposed:

- 1. In Chapter 6 (page 206) of said Plan the 1st paragraph under the heading Soil Suitability for Agricultural Production is being amended to read (last sentence was added):**

Soil Suitability for Agricultural Production

The NRCS has classified the agricultural capability of soils based on their general suitability for most kinds of farming. These groupings are based on the limitations of the soils, the risk of damage when used, and the way in which the soils respond to treatment. The location and amount of Class I, II, and III soils, as set forth in Map 6.4 and were an important consideration when farmland preservation areas were identified in the existing County farmland preservation plan (adopted in 1981). [As of December 31, 2012, the Village is no longer certified for the Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.]

- 2. In Chapter 6 (page 277) of the Plan, the following recommendation related to Agricultural Resources is being deleted:**

- Continue to participate in and support the Wisconsin Farmland Preservation Program which provides income tax credits to eligible farmland owners in the Village.

- 3. In Chapter 9 (page 383) of the Plan, the 2nd to the last paragraph on the page related to the 2035 Land Use Plan, Background data and maps is being amended to read (last sentence was added):**

Since the majority of the Village is located within sewer and water urban service areas, Agricultural lands within the Village are only intended to remain in agricultural uses until the property owner wishes to development their land for urban purposes. It is anticipated that these uses will be converted to urban uses by 2035. In 2009, the Village is aware of one (1) property owner that is involved in the Farmland Preservation Program and it is intended that this property will remain in agricultural uses for the next 20 years; however, if the property owner decides to develop this land for urban purposes the Village shall promptly evaluate the land use plan and designate the appropriate land use designation on the property. [As of December 31, 2012, the Village is no longer certified for the Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.]

- 4. To delete Section 390-6 E of the Village Comprehensive Plan Ordinance related to adopted detailed components of the Comprehensive Plan:**

- E. Kenosha County Farmland Preservation Plan (2011 update).

WHEREAS, on March 24, 2014 the Village Plan Commission held a public hearing; and

NOW THEREFORE, BE IT RESOLVED, that pursuant to Sections 62.23 (3) (b) and 66.1001 (4) (b) of the Wisconsin Statutes, the Village of Pleasant Prairie Plan Commission hereby approves the above noted amendments to the Village of Pleasant Prairie, Wisconsin 2035 Comprehensive Plan as presented at the March 24, 2014 public hearing..

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Village Board enact the Ordinances adopting the amendments, as referenced above, to the *Village of Pleasant Prairie 2035 Comprehensive Plan*.

Adopted this 24th day of March 2014.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

Thomas W. Terwall
Plan Commission Chairman

Donald Hackbarth
Secretary

Date Posted: _____

08-Comp Plan Amendments--Ag preservation

ORD. NO. 14-____
ORDINANCE TO AMEND
THE VILLAGE ZONING ORDINANCE (CHAPTER 420)
RELATED TO THE AGRICULTURAL PRESERVATION DISTRICT
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE FOLLOWING SECTIONS OF THE VILLAGE ZONING ORDINANCE RELATED TO AGRICULTURAL PRESERVATION DISTRICTS BE AMENDED AS FOLLOWS:

1. **Section 420-101 entitled "A-1 Agricultural Preservation District" is hereby repealed.**
2. **Section 420-14 entitled "Amendments to Agricultural Preservation Districts" is hereby repealed.**
3. **Section 420-38 D (6) related to Performance Standards to be enforced is hereby amended to read as follows:**
 - (6) Odors. Except in ~~the A-1, A-2 and A-4 District~~ **any Agricultural District**, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthy outside its premises. The guide for determining odor measurement and control shall be Ch. NR 154, Wis. Adm. Code, and amendments thereto.
4. **Section 420-39 C related to Pet and Animal Regulations is hereby amended to read as follows:**
 - C. In any ~~A-1~~, A-2 or AGO District, no more than five beehives shall be kept for each acre, provided that the lot is a minimum of 10 acres.
5. **Sections 420-49 A and B related to Other Parking Requirements are hereby amended to read as follows:**
 - A. In the ~~A-1~~, A-2, A-3, ~~A-4~~, AGO, C-2, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-9, R-10, R-11 and R-12 Districts parking of cars, passenger vehicles or motorcycles accessory to a residential use is permitted only on a hard-surfaced driveway or well-drained gravel driveway, not on the grassy or lawn portions of the lot.
 - B. In the ~~A-1~~, A-2, A-3, ~~A-4~~, AGO, C-2, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-9, R-10, R-11 and R-12 Districts, parking of cars, passenger vehicles or motorcycles shall be limited to those actually used by the residents or for temporary parking of guests.
6. **Sections of 420-86 B related to standards for detached accessory buildings are hereby amended to read as follows:**

420-86 B Standards for detached garages; gardening, tool or storage sheds; and gazebos within the residential districts listed below, and other farm-related accessory structures, excluding silos and storage bins, which are only allowed within the ~~A-1~~, A-2, A-3 and AGO Districts.

420-86 B (1) In the C-2, ~~A-1~~, A-2, A-3, AGO, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8 and R-12 Zoning Districts, the following is required:

- 420-86 B (1) (a) [7]** Said structure shall not be used for human habitation or animal shelter, except in the ~~A-1~~, A-2, A-3 and AGO Districts, where said structure may be used for an animal shelter for the animals which are only allowed in the said agricultural districts;
- 420-86 B (1) (b) [7]** Said structure shall not be used for human habitation or animal shelter, except in the ~~A-1~~, A-2, A-3 and AGO Districts, where said structure may be used for an animal shelter for the animals which are only allowed in the said agricultural districts;
- 420-86 B (1) (c) [1]** Said structure shall only be located in a side yard, rear yard or rear street yard; except if located within an ~~A-1~~, A-2 or AGO District;
- 420-86 B (1) (c) [6]** Said structure shall not be used for human habitation or animal shelter, except in the ~~A-1~~, A-2, A-3 and AGO Districts, where said structure may be used for an animal shelter for the animals which are only allowed in the said agricultural districts;
- 420-86 B (1) (c) [7] [b]** In the ~~A-1~~, A-2 or AGO District where the lot is a minimum of five acres, said structure shall not exceed 50 feet in height;
- 420-86 B (1) (c) [7] [c]** In the ~~A-1~~, A-2 or AGO Districts where the lot is greater than 10 acres, said structure shall not exceed 100 feet in height;
- 420-86 B (1) (c) [10]** In no case shall an individual detached accessory structure exceed the first floor square foot area of the principal structure (excluding an attached garage or deck), except in the ~~A-1~~, A-2, A-3 and AGO Districts.
- 420-86 B (1) (c) [11]** In no case shall an individual detached accessory structure exceed the height of the principal structure on said property, except in the ~~A-1~~, A-2, A-3 and AGO District, where the maximum height complies with Subsection B(1)(c)[7] above.
- 420-86 B (1) (d) [2]** Said structure shall only be located in a side yard or rear yard, except if located within an ~~A-1~~, A-2 or AGO District;
- 420-86 B (1) (d) [6]** Said structure shall not be used for human habitation or animal shelter, except in the ~~A-1~~, A-2, A-3 and AGO Districts, where said structure may be used for an animal shelter for the animals which are only allowed in the said agricultural districts;
- 420-86 B (1) (d) [7] [b]** In the ~~A-1~~, A-2 or AGO Districts where the lot is a minimum of five acres, said structure shall not exceed 50 feet in height;
- 420-86 B (1) (d) [7] [c]** In the ~~A-1~~, A-2 or AGO Districts where the lot is greater than 10 acres, said structure shall not exceed 100 feet in height;
- 420-86 B (1) (d) [10]** In no case shall an individual detached accessory structure exceed the first floor square foot area of the principal structure (excluding an attached garage or deck), except in the ~~A-1~~, A-2, A-3 and AGO Districts.
- 420-86 B (1) (d) [11]** In no case shall an individual detached accessory structure exceed the height of the principal structure on said property, except in the ~~A-1~~, A-2, A-3, APO and AGO Districts, where the maximum height complies with Subsection B(1)(d)[7] above.
- 420-86 B (1) (e) [2]** Said structure shall only be located in a side yard or rear yard, except if located within an ~~A-1~~, A-2 or AGO District;

- 420-86 B (1) (e) [5]** Said structure shall be a minimum of 15 feet from any side or rear lot line in any C-1, R-1, R-2, R-3, R-4, R-4.5, R-6 and R-6 District and a minimum of 25 feet from any side or rear lot line in any ~~A-1~~, A-2, A-3 and AGO District.
- 420-86 B (1) (e) [6]** Said structure shall not be used for human habitation or animal shelter, except in the ~~A-1~~, A-2, A-3 and AGO Districts, where said structure may be used for an animal shelter for the animals which are only allowed in the said agricultural districts;
- 420-86 B (1) (e) [7] [b]** In the ~~A-1~~, A-2 or AGO Districts where the lot is a minimum of five acres, said structure shall not exceed 75 feet in height;
- 420-86 B (1) (e) [7] [c]** In the ~~A-1~~, A-2 or AGO Districts where the lot is greater than 10 acres, said structure shall not exceed 100 feet in height;
- 420-86 B (1) (e) [10]** In no case shall an individual detached accessory structure exceed the first floor square foot area of the principal structure (excluding an attached garage or deck), except in the ~~A-1~~, A-2, A-3 or AGO Districts.
- 420-86 B (1) (e) [11]** In no case shall an individual detached accessory structure exceed the height of the principal structure on said property, except in the A-1, A-2, A-3 and AGO Districts, where the maximum height complies with Subsection B(1)(e)[7] above.
- 420-86 B (1) (f) [1]** The lot shall be zoned ~~A-1~~, A-2, A-3 or AGO and be a minimum of five acres (217,800 square feet);
- 420-86 B (1) (f) [2]** Said structure shall only be located in a side yard or rear yard, except if located within an ~~A-1~~, A-2 or AGO District;
- 420-86 B (1) (f) [7]** Said structure may be used for an animal shelter for animals specifically allowed in the ~~A-1~~, A-2, A-3 or AGO District;
- 420-86 B (1) (f) [8]** Said structure shall not exceed 50 feet in height in the A-3 District or 100 feet in the ~~A-1~~, A-2 or AGO District;
- 420-86 B (1) (g) [1]** The lot shall be zoned ~~A-1~~, A-2 or AGO and be a minimum of 10 acres (435,600 square feet);
- 420-86 B (1) (g) [6]** Said structure may be used for an animal shelter for animals specifically allowed in the ~~A-1~~, A-2 or AGO District;
7. **Section 420-87 B related to decks is hereby amended to read as follows (Note: Subsection 420-87 B (1) through (4) remains unchanged):**
- B. Standards for decks and porches (including steps or stairs) **in any Agricultural or Residential District**
8. **Section 420-87 B (5) related to decks is hereby created:**
- (5) Shall meet the minimum street setback of the underlying zoning district.
9. **To delete the basic zoning district "A-1 Agricultural Preservation District" from Section 420-100 A (1).**
10. **Section 420-139 B (8) related to the average street setback is hereby amended to read as follows:**
- (8) Single-family dwellings not constructed in accordance with the valid zoning permit. Any principal single-family structure and its accessory garage located within an R-1, R-2, R-3, R-4, R-5, R-6, ~~A-1~~, A-2, A-3, ~~A-4~~ **AGO** or C-2 District

containing a legally conforming use and constructed with a valid zoning permit issued by Kenosha County prior to April 1, 1983, but which was not constructed in accordance with the zoning permit as it pertains to street, side and rear setbacks for said principal structure or accessory garage shall be considered a legal nonconforming structure and shall be subject to § 420-140 of this chapter insofar as the placement of the structure, as determined by the Village, does not present a threat to the public's health, safety or welfare.

11. **Section 420-145 H related to notices of conditional uses granted is hereby amended to read as follows:**
 - H. ~~Notice of conditional uses granted in the A-1 Agricultural Preservation District shall be given to the State Department of Agriculture, Trade and Consumer Protection within 10 days following the decision.~~ Notice of conditional uses granted in the FPO Floodplain Overlay District or in any other area where the shoreland jurisdictional boundary is applicable shall be given to the Southeast District Office of the State Department of Natural Resources within 10 days following the decision.
12. **Section 420-148 B (2) related to conditional use standards for airstrips, landing fields and hangars for personal or agricultural-related uses is being amended as follows (Note: Subsection 420-148 B (2) (a) through (h) remains unchanged):**
 - (2) Airstrips, landing fields and hangars for personal or agricultural-related uses in the ~~A-1~~ and A-2 Districts and airports, heliport pads, aircraft hangars for storage and equipment maintenance and aircraft sales and maintenance in the I-1 District.
13. **Section 420-148 B (20) related to conditional use standards for Community living arrangements is being amended as follows (Note: Subsection 420-148 B (20) (a) through (f) remains unchanged):**
 - (20) Community living arrangements in the ~~A-1~~, A-2, A-3, C-2, R-1, R-2, R-3, R-4, R-4.5, R-5 and R-6 Districts.
14. **Section 420-148 B (123) related to conditional use standards for Wind energy conversion systems is being amended as follows (Note: Subsection 420-148 B (123) (a) through (h) remains unchanged):**
 - (123) Wind energy conversion systems, commonly called "windmills," in the ~~A-1~~, A-2, R-1, I-1, PR-2, PR-3 and C-2 Districts.

Adopted this ____ day of _____, 2014.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

Posted: _____

___ - a-1 zoning text amendments

ORD. # 14-

**ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN
PURSUANT TO CHAPTER 420-13 OF THE VILLAGE ZONING ORDINANCE**

**BE IT ORDAINED by the Village of Pleasant Prairie Board of Trustees,
Kenosha County, Wisconsin, that the Official Village Zoning Map is hereby amended
as follows:**

Portions of the property located at 6109 85th Street within U. S. Public Land Survey Section 15 Township 1 North, Range 22 East in the Village of Pleasant Prairie and further identified as Tax Parcel Number 92-4-122-151-0100 is hereby rezoned from A-1, Agricultural Preservation District to A-2, General Agricultural District. Portions of the property that are zoned C-1, Lowland Resource Conservancy District; FPO, Floodplain Overlay District or are located within the shoreland jurisdictional area will remain unchanged.

The Village Zoning Administrator is hereby directed to record this Zoning Map Amendment on the appropriate sheet of the Official Village Zoning Map and Appendix B in Chapter 420 of the Village Municipal Code shall be updated to include said amendment.

Adopted this ____ day of _____, 2014.

VILLAGE BOARD OF TRUSTEES

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

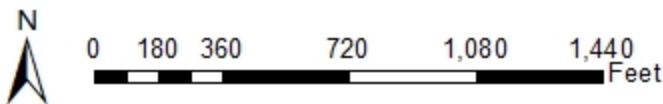
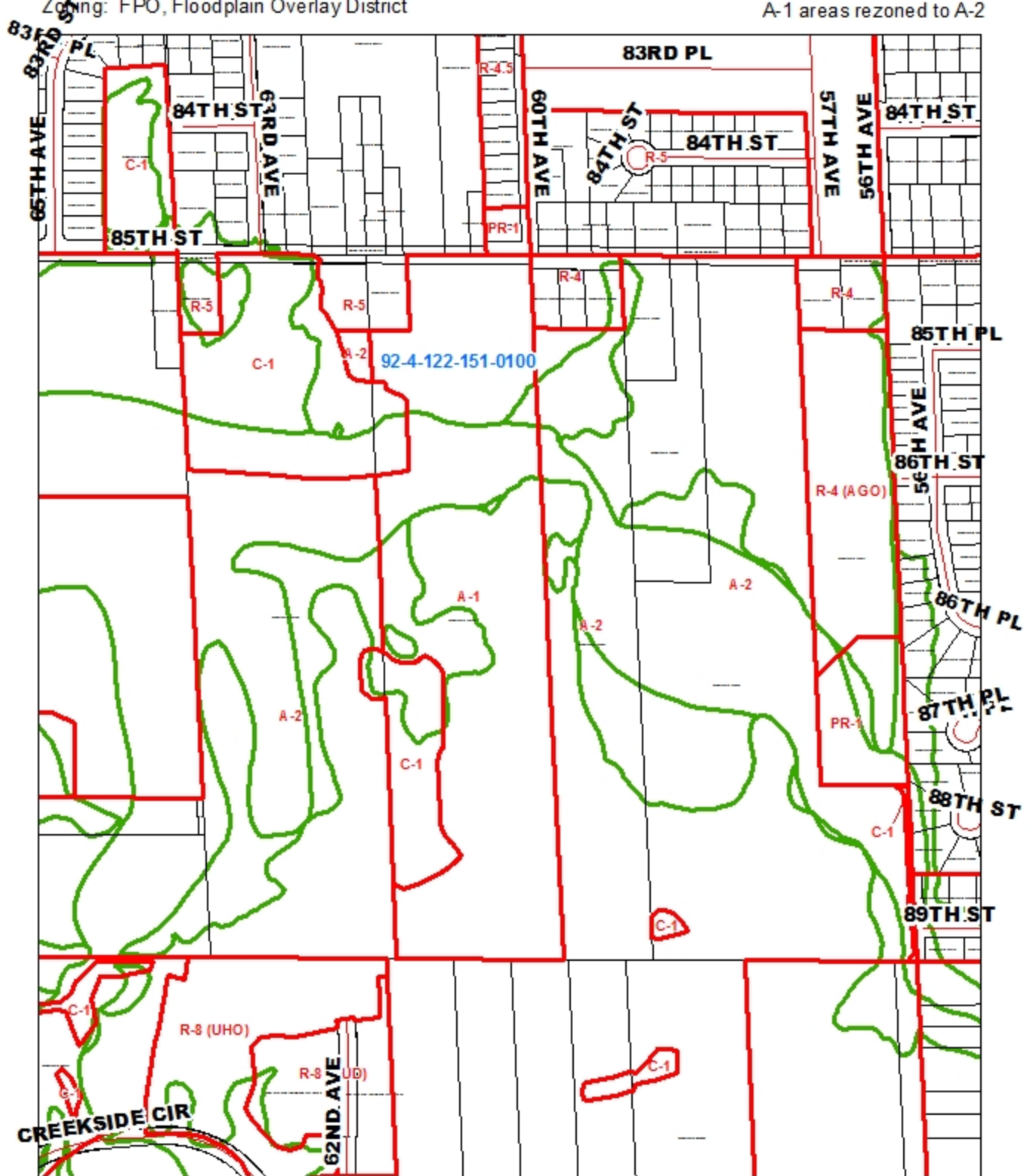
Posted: _____

__-A-1 Rezoning to A-2

Village of Pleasant Prairie Zoning Map (portion of)

Green Line-100-year Floodplain
Zoning: FPO, Floodplain Overlay District

A-1 areas rezoned to A-2



Source: Village of Pleasant Prairie
Date of Zoning: February 2014