

ORD. #24-05

**ORDINANCE TO AMEND
SEVERAL SECTION OF CHAPTER 420 THE VILLAGE ZONING ORDINANCE
RELATED TO THE REPEAL OF THE FLOODPLAIN OVERLAY DISTRICT AND ADOPTION OF A
FLOODPLAIN ZONING ORDINANCE
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 BE AMENDED AS FOLLOWS:

1. Section 420-21 is hereby **created** as follows:

420-21 Floodplain Zoning Ordinance requirements applicable to filled former floodplains.

Beginning on April 11, 2024, any property for which a regulatory floodplain boundary adjustment is conducted under Chapter 430 to remove the property from the regulatory floodplain (including approval of a Letter of Map Revision and execution of a community acknowledgement form) remains subject to the requirements of Chapter 430 applicable to the floodfringe district. Pursuant to Chapter 430, s. 1.5 (6) (e), the property owner shall record with the Kenosha County Register of Deeds a statement, in a form provided by the Village, acknowledging that development in the area previously included in the regulatory floodplain will result in ongoing restrictions on the use of the property under this section.

2. The following sections are hereby **amended** to update the reference to the Village Floodplain Zoning ordinances.

Section 420-12 related to zoning maps:

420-12 A. Zoning Maps. Boundaries of the official Village zoning districts established and referenced in this chapter, including floodplain zoning maps referenced in **Chapter 430§ 420-131 of this chapter** are shown on a series of maps adopted by the Village Board on September 5, 2006, by Ord. No. 06-42. These maps accompany and are made a part of this chapter by reference. This chapter hereby incorporates any changes that may be adopted by ordinance that are on file with the Village Zoning Administrator and posted under "Public Documents" online with the Village Code of Ordinances. The Zoning Maps, including amendments thereto, are available to the public for viewing with the Community Development Department and further may be published online.

420-12 B. Floodplain Zoning Maps. The Village Floodplain Zoning Maps are adopted and described in **Chapter 430§ 420-131 of this chapter**.

Section 420-15 related to zoning restrictions on annexed lands:

420-15 Except as otherwise specifically provided in this section, whenever any area which has been subject to the Kenosha County General Zoning/Floodplain and Shoreland Zoning Ordinance becomes part of the Village, the regulations imposed by the County Zoning Ordinance shall continue to be in effect, without change, and shall be enforced by the Village until such regulations have been changed by official action of the Village Board, except that in the event an annexation ordinance is contested in the courts, the County Zoning Ordinance shall continue to control and the County shall continue to have jurisdiction over the area affected until such time as the annexation ordinance is finally determined not to be invalid as a result of such challenge, and except that the general zoning classification of all land coming within the jurisdiction of this chapter shall automatically be A-2 General Agricultural District (except areas zoned **FPO Floodplain Overlay District**, C-1 Lowland Resource Conservancy District, or C-2 Upland Resource Conservancy District), unless and until the Village Board affirmatively acts to change the zoning classification of such land.

Section 420-57 related to required components of site and operational plans:

420-57. D. (6) (e) Area of any wetlands, ~~100-year~~ floodplain on site to be filled, remain or adjusted.

420-57.7 E. (9) The location of any ~~one-hundred-year~~ floodplain on the site, the elevation of the ~~one-hundred-year~~ floodplain, and the source of the ~~one-hundred-year~~ floodplain elevation and date that the surveyor field delineated the ~~one-hundred-year~~ floodplain.

Section 420-57.7 related to required components of residential development plans:

420-57.7 C. (6) (i) Area of any wetlands, ~~100-year~~ floodplain on site to be filled, remain or adjusted.

420-57.7 D. (9) The location of any ~~100-year~~ floodplain on the site, the elevation of the ~~100-year~~ floodplain, and the source of the ~~100-year~~ floodplain elevation and date that the surveyor field delineated the ~~100-year~~ floodplain.

Section 420-74 related to prohibited signs, flags, festoons and lights:

420-74 T. Any sign located within in the C-1 Lowland Resource Conservancy District, within the C-3 Natural and Scientific Area Resource Conservancy District, or areas regulated under the Floodplain Zoning Ordinance in Chapter 430 ~~the FPO Floodplain Overlay District~~, unless specifically allowed in such district or any district pursuant to this article.

Section 420-78 related to general sign regulations:

420.78 W. (1) Five feet from any wetland or floodplain, unless specifically permitted by the wetland or floodplain provisions of this chapter or Chapter 430.

Section 420-84 related to standards for swimming pools:

420-84 (Intro) A swimming pool may be installed in all districts except the C-1, or C-3 or an area regulated under the Floodplain Zoning Ordinance in Chapter 430 ~~FPO District~~ subject to the following requirements:

Section 420-87 related to setbacks for residential decks, porches, steps and stairs:

420-87 B. (4) May be located in a shore yard, provided that it is not located on the water side of the ordinary high-water mark of said navigable waterway, and further provided that said structure does not block, redirect or impede the flow of water or drainage within the area, provided that said structure is not located within any easements and is not located within an area regulated under the Floodplain Zoning Ordinance in Chapter 430 ~~the 100-year floodplain~~.

420-87 C. (3) May be located in a shore yard, provided that it is not located on the water side of the ordinary high-water mark of said navigable waterway, and further provided that said structure does not block, redirect or impede the flow of water or drainage within the area, provided that said structure is not located within any easements and is not located within an area regulated under the Floodplain Zoning Ordinance in Chapter 430 ~~the 100-year floodplain~~.

Section 420-88.2 related to solar energy systems:

420-88.2 D. (3) (f) Shall not be located within an area regulated under the Floodplain Zoning Ordinance in Chapter 430 ~~the 100-year floodplain~~ as measured from the furthest extent of the solar collector at full tilt parallel to the ground.

Section 420-89 related to commercial communication structures:

420-89 F. (6) (e) Any building/structure/equipment associated with a commercial communication structure shall not be located within the ~~one-hundred-year~~ floodplain.

Section 420-100 related to zoning districts in the Village:

420-100 A. (2) Overlay districts.

~~FPO Floodplain Overlay District~~

AGO General Agricultural Overlay District

UHO Urban Land Holding Overlay District

LUSA Limited Urban Service Area Overlay District

PUD Planned Unit Development Overlay District

Section 420-127.1 related to the Community Park-Recreational District:

420-127.1 A. Purpose and characteristics. The PR-2 Community Park-Recreational District is intended to provide for public or private park, open space and recreational uses to serve the adjacent neighborhoods or the entire community. The PR-2 District shall be at least five acres and may incorporate other natural features such as wetlands, woodlands, shorelands, floodplains and other resources that may be zoned C-1 Lowland Resource Conservancy District; **or** C-2 Upland Resource Conservancy District; ~~or FPO Floodplain Overlay District~~. No such district shall be established unless it is in compliance with duly adopted or amended comprehensive, neighborhood and conceptual plans.

Section 420-127.2 related to the Regional Park-Recreational District:

420-127.2 A. Purpose and characteristics. The PR-3 Regional Park-Recreational District is intended to provide for park, open space and recreational uses to serve the community and the surrounding region. The PR-3 District shall be at least 200 acres and may incorporate other natural features such as wetlands, woodlands, shorelands, floodplains and other resources that may be zoned C-1; **or** C-2; ~~or FPO~~. No such district shall be established unless it is in compliance with duly adopted or amended comprehensive, neighborhood and conceptual plans.

Section 420-140 related to nonconforming lots, structures and uses:

420-140 J. Floodplain nonconforming uses. Pursuant to **Chapter 430** ~~§ 420-131~~.

Section 420-140.1 related to temporary uses:

420-140.1 F. (5) (b) Allowed in any zoning district except within a C-1 Lowland Resource Conservancy District; **or** C-3 Natural and Scientific Resource Conservancy District **or an area regulated under the Floodplain Zoning Ordinance in Chapter 430** ~~FPO Floodplain Overlay District~~.

Section 420-144 related to applications for conditional use permits:

420-144 D. For shoreland and **floodplain floodland** conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include, but is not limited to, plans certified by a registered professional engineer or professional land surveyor showing existing and proposed elevations or contours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets; water supply and sanitary facilities; aerial photographs and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types; and

any other pertinent information required by ~~the Floodplain Zoning Ordinance in Chapter 430 § 420-131 of this chapter~~, the Plan Commission or the Zoning Administrator.

Section 420-145 related to conditional use permit processing:

420-145 B. Notice of the public hearing referred to in Subsection A above shall be published as a Class 2 notice in a newspaper of general circulation in accordance with Ch. 985, Wis. Stats. (See exception in Chapter 1, Article III, entitled "Publication and Posting of Notices," of the Village Code.) Notice of such public hearing shall also be given in accordance with the Wisconsin Open Meeting Law, §§ 19.81 to 19.98, Wis. Stats. Further, notice of such public hearing shall be mailed by first class mail, not less than 10 days prior to the public hearing, to the last known address of the applicant, the owners of the subject lot or site, the owners of all real property located within 300 feet of the subject lot or site and to all other parties of interest as defined in this chapter. In the event the subject lot or site lies within the shoreland jurisdictional boundary or within ~~an area regulated under the Floodplain Zoning Ordinance in Chapter 430 the Floodplain Overlay District~~, a copy of the notice of public hearing and a copy of the application shall be mailed to the Southeast District Office of the Wisconsin Department of Natural Resources in accordance with Ch. NR 116 or NR 117, Wis. Adm. Code, respectively, not less than 10 days prior to the hearing. Failure of any person to receive actual notice of the public hearing shall not invalidate any action taken by the Plan Commission. In the event that the Plan Commission postpones or adjourns a public hearing for a period of time not to exceed one month after the publication and mailing of the public hearing notice in accordance with this subsection, no additional Class 2 notice or mailed notice to property owners shall be required, provided that notice of the date, time and place of the postponed or adjourned hearing is publicly announced by the Plan Commission at the time and place of the hearing for which notice was published and mailed and appears in the record of the proceeding.

420-145 H. Notice of conditional uses granted in ~~an area regulated under the Floodplain Zoning Ordinance in Chapter 430 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.

Section 420-148 related to standards for conditional uses:

420-148 B. (11) (Intro) Bridges and approaches in the ~~floodplain FPO District~~.

420-148 B. (11) (b) The conditional use permit shall not be granted unless there is assurance of compliance with the provisions of ~~Chapter 430 § 420-131~~, the purpose and objective of floodplain management, as enumerated in § NR 116.01, Wis. Adm. Code, the Comprehensive Plan and other land use controls.

420-148 B. (32) Filling as authorized by the Wisconsin Department of Natural Resources and United States Army Corps of Engineers to permit the establishment of approved bulkhead lines in the ~~floodplain FPO District~~. Those requirements set forth for the granting of a conditional use permit for bridges and approaches shall be complied with.

420-148 B. (58) Marinas in the ~~floodplain FPO District~~. (a) Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the ~~floodplain FPO District~~ shall be complied with.

420-148 B. (70) Municipal water supply and sanitary sewage systems in the ~~floodplain FPO District~~. (a) Those requirements set forth for granting a conditional use permit for bridges and approaches in the ~~floodplain FPO District~~ shall be complied with.

420-148 B. (71) Navigational structures in the ~~floodplain FPO District~~. Those requirements set forth for granting a conditional use permit for bridges and approaches in the ~~floodplain FPO District~~ shall be complied with.

420-148 B. (76) Park and recreational areas not including structures in the floodplain FPO District. Those requirements set forth for granting a conditional use permit for bridges and approaches in the floodplain FPO District shall be complied with.

420-148 B. (85) Public water measuring and control facilities done in accordance with the provisions of § NR 116.17, Wis. Adm. Code, in the floodplain FPO District. Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the floodplain FPO District shall be complied with.

420-148 B. (100) (h) Sanitary landfills shall not be permitted within 2,000 feet of residential, commercial, institutional, or conservancy, or floodplain districts or floodplains nor shall any such landfill be permitted within 2,000 feet of any shoreland area. In addition, sanitary landfills shall not be permitted within 2,000 feet of any private or public water supply.

420-148 B. (105) (c) The solar farm shall not be located within the 100-year floodplain.

420-148 B. (118) Utility facilities (except buildings and substations) such as underground watertight conduits, telephone and electric poles, etc., constructed in conformance with § NR 116.17, Wis. Adm. Code, in the floodplain FPO District, provided that those requirements set forth for the granting of a conditional use permit for bridges and approaches in the floodplain FPO District shall be complied with.

Section 420-152 related to definitions under the Zoning Ordinance:

420-152 (Intro) Definitions. As used in this chapter, the following terms shall have the meaning indicated. Definitions related to signs, flags, festoons and lights are located in Article X, and definitions related to floodplains are located in Chapter 430 § 420-131BB.

420-152 **FLOODPLAIN** An area regulated under the Floodplain Zoning Ordinance in Chapter 430.

3. The following section is hereby **repealed**.

Section 420-131, related to the floodplain overlay district, is hereby repealed.

These Ordinance Amendments shall become effective on April 11, 2024

Adopted this 12th day of February 2024.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

Jane C. Snell
Village Clerk

Posted: _____

05- chapter 420 floodplain amend

CODE2210-10-004