

ORD. #25-24

**ORDINANCE TO REPEAL AND RECREATE
SEVERAL SECTIONS OF THE VILLAGE ZONING ORDINANCE (CHAPTER 420)
RELATED TO AGRICULTURAL ZONING DISTRICTS AND URBAN LAND HOLDING OVERLAY
DISTRICTS 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KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE FOLLOWING SECTIONS OF THE VILLAGE ZONING ORDINANCE ARE BEING REPEALED AND RECREATED AS FOLLOWS:

1. Section 420-102 related to the A-2 General Agricultural District is repealed and recreated to read as follows:

420-102 A-2 General Agricultural District.

A. Primary purpose and characteristics. The A-2 General Agricultural District is intended to provide for existing agricultural lands to continue until such time as the land is proposed to be developed for urban purposes pursuant to the Village Comprehensive Plan. No new district shall be established if municipal sewer and/or municipal water are available.

B. Permitted uses/structures.

- (1) Principal Uses/Structures. A combination of listed principal uses/structures are allowed on the property.
 - (a) One single-family dwelling, which may include a private garage or carport attached to the dwelling.
 - (b) Agricultural Crops. An area managed and maintained to grow and harvest food crops or non-food crops (e.g., flowers and sod) for off-site retail sale/distribution or sale in a roadside stand.
 - (c) Nursery or Orchard. An area managed and maintained for on-site retail sales/distribution that may include a commercial greenhouse.
 - (d) Livestock and bees. An area managed and maintained for the feeding, housing and care of livestock and bees, per § 420-39, for private or commercial purposes, excluding any unspecified permitted use per subsection C below.
 - (e) Riding stables (commercial), per § 420-39 and § 420-86.
 - (f) Farm related structures, excluding silos and storage bins, incidental to the agricultural use on the property (per § 420-86).
 - (g) Commercial communication structures (as a principal or accessory use) per § 420-89.
- (2) Accessory uses/structures.
 - (a) Roadside stands (per § 420-88.1).
 - (b) Silos and grain/storage bins accessory to the agricultural use on the property, provided that the height does not exceed 100 feet and the structures meets the setback requirements pursuant to subsection F (4) below.
 - (c) Driveways (per § 420-46).
 - (d) Fences (per Article XI).
 - (e) The following accessory uses are allowed as incidental use/structure only after a single family dwelling is constructed on the property:

- [1] Detached garages or carports; gardening, tool or storage sheds; pergolas and gazebos (per § 420-86).
- [2] Home occupations (per Article VII).
- [3] Swimming pools/hot tubs (per Article XII).
- [4] Decks (per § 420-87).
- [5] Sport courts (per § 420-88).
- [6] Residential communication structures (per § 420-90).
- [7] Kennels (per §420-39).

(f) Solar energy system for individual users (per § 420-88.2).

C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve a permitted use/structure not listed in Subsection B above if the proposed use/structure is similar in character to one or more of the listed permitted uses in this District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use/structure approved shall be subject to all requirements of Subsection B above. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the A-2 District:

- (1) Any listed permitted use or conditional use specified in any zoning district that is not specifically listed in this District.
- (2) Any use specifically listed as an unspecified permitted use within any District that is not specifically listed in this District.
- (3) Any use listed in Section 420-31 as prohibited use including but not limited to:
 - (a) Egg production (commercial).
 - (b) Fertilizer (production, sales, storage, mixing or blending) that is classified as a High-Hazard Group H use pursuant to Section 307 of the 2006 IBC, as amended from time to time, that constitutes a physical or health hazard in quantities in excess of those allowed in control areas constructed and located as required in Section 414 of the 2006 IBC, as may be amended from time to time.
 - (c) Fur-bearing animals (keeping or raising).
 - (d) Livestock sale facilities.
- (4) Farm implement business.
- (5) Slaughterhouse.

D. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements).

- (1) Feed lot, commercial.

E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.

F. Dimensional standards. Except as specifically provided in this chapter, and without limitations, all uses/structures in the A-2 District shall comply with the following dimensional standards:

- (1) Lot size: 10 acres minimum.
- (2) Lot frontage: 300 feet minimum on a public street.
- (3) Single-family dwelling shall comply with the standards set forth in § 420-108 F of this chapter.
- (4) Setbacks for all structures unless otherwise provided:
 - (a) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - (b) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - (c) Side setback: 25 feet minimum.
 - (d) Rear setback: 50 feet minimum.
 - (e) Wetland setback: 25 feet minimum from any field delineated wetlands on the property.

G. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses/structures in the A-2 District shall comply with the following design standards:

- (1) Number of principal single-family dwellings per lot: one maximum.
- (2) Number of farm related structures including silos and storage bins, incidental to the agricultural use on the property:
 - (a) On lots that are 10 or more acres: no limit.
 - (b) On lots that are less than 10 but at least five acres: five maximum.
 - (c) On lots less than five acres: three maximum.
- (3) Number of detached garages or carports; gardening, tool or storage sheds; pergolas and gazebos incidental to a single family dwelling on the property:
 - (a) On lots that are 10 or more acres: five maximum.
 - (b) On lots that are less than 10 acres: five maximum.

H. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the A-2 District shall comply with the following operational standards to the extent applicable:

- (1) Compliance with Article IX of this chapter is required for any activities of the type specified in § 420-52.
- (2) Compliance with all applicable performance standards set forth in § 420-38 of this chapter.

I. Authorized sanitary sewer system. See § 420-32 of this chapter.

J. Authorized water supply system. See § 420-33 of this chapter.

2. Section 420-103 related to the A-3 Limited Agricultural District is being repealed and recreated to read as follows:

420-103 A-3 Limited Agricultural District.

A. Primary purpose and characteristics. The A-3 Limited Agricultural District is intended to provide an area for the development of a hobby farm and limited farming and related agricultural uses; however, the land is intended to be developed for urban purposes

pursuant to the Village's Comprehensive Plan. No new district shall be established if municipal sewer and/or municipal water are readily available.

B. Permitted uses/structures.

- (1) Principal uses/structures. More than one principal use/structure is allowed on the property.
 - (a) One single-family dwelling, which may include a private garage or carport attached to the dwelling.
 - (b) Commercial communication structures (as a principal or accessory use per § 420-89).
- (2) Accessory uses/structures. A permitted accessory uses/structures is only allowed on the property once the permitted single family dwelling is either present or under construction on the property, except for fences.
 - (a) Agricultural Crops. An area managed and maintained to grow and harvest food crops or non-food crops (e.g., flowers and sod) for off-site retail sale/distribution.
 - (b) Farm related structures, excluding silos and storage bins, incidental to the agricultural use on the property (per § 420-86).
 - (c) Livestock and bees. An area managed and maintained for the feeding, housing and care of livestock and bees, per § 420-39, for private or commercial purposes, excluding any unspecified permitted use per subsection D below.
 - (d) Driveways (per § 420-46).
 - (e) Fences (per Article XI).
 - (f) Detached garages or carports; gardening, tool or storage sheds; pergolas and gazebos (per § 420-86).
 - (g) Home occupations (per Article VII).
 - (h) Swimming pools/hot tubs (per Article XII).
 - (i) Decks (per § 420-87).
 - (j) Sport courts (per § 420-88).
 - (k) Residential communication structures (per § 420-90).
 - (l) Solar energy system for individual users (per § 420-88.2).

C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve a permitted accessory uses/structures not listed in Subsection B above if the proposed accessory use/structure is similar in character to one or more of the listed permitted accessory uses/structures in this District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use/structure approved shall be subject to all requirements of Subsection B above. Notwithstanding the foregoing authorization, the permitted uses/structures specified in the A-2 General Agricultural District shall not be construed to be permitted uses/structures in the A-3 District. Furthermore, uses specifically prohibited in the A-2 District are also prohibited in the A-3 District.

D. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements). There are no conditional uses specified in this District.

- E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.
- F. Dimensional standards. Except as specifically provided in this chapter, and without limitations, all uses/structures in the A-3 District shall comply with the following dimensional standards to the extent applicable.
 - (1) Lot size: five acres minimum.
 - (2) Lot frontage: 300 feet minimum on a public street.
 - (3) Single-family dwellings shall comply with the standards set forth in § 420-108F of this chapter.
 - (4) Setbacks, unless otherwise specified, for all structures:
 - (a) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - (b) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - (c) Side setback: 25 feet minimum.
 - (d) Rear setback: 50 feet minimum.
 - (e) Wetland setback: 25 feet minimum from any field delineated wetlands on the property.
- G. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses/structures in the A-3 District shall comply with the following design standards to the extent applicable:
 - (1) Number of principal single-family dwellings per lot: one maximum.
 - (2) Number of farm related structures, excluding silos and storage bins, incidental to the agricultural use per lot:
 - (a) On lots that are five or more acres: five maximum.
 - (b) On lots that are less than five acres: three maximum.
 - (3) Number of private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use: three maximum.
- H. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the A-3 District shall comply with the following operational standards to the extent applicable:
 - (1) Compliance with Article IX of this chapter is required for any activities of the type specified in § 420-52A.
 - (2) Compliance with all applicable performance standards set forth in § 420-38 of this chapter.
- I. Authorized sanitary sewer system. See § 420-32 of this chapter.
- J. Authorized water supply system. See § 420-33 of this chapter.

3. Section 420-133 related to the AGO General Agricultural Overlay District is being repealed and recreated to read as follows:

420-133.1 AGO General Agricultural Overlay District.

- A. Primary purpose and characteristics. The AGO General Agricultural Overlay District is intended to provide for existing agricultural lands to continue in their current uses until such time as the land is proposed to be developed for urban purposes in accordance with the underlying zoning district and pursuant to the Village Comprehensive Plan.
- B. Permitted uses/structures.
 - (1) For lots 10 acres or larger:
 - (a) Any permitted principal or accessory uses/structures allowed in the A-2 District.
 - (b) Any permitted principal or accessory uses/structures not allowed in the A-2 District but allowed in the underlying district is only allowed if the AGO District is removed pursuant to § 420-13.
 - (2) For lots less than 10 acres but a minimum of five acres:
 - (a) Any permitted principal or accessory uses/structures allowed in the A-3 District.
 - (b) Any permitted principal or accessory uses/structures not allowed in the A-3 District but allowed in the underlying district is only allowed if the AGO District is removed pursuant to § 420-13.
 - (3) For lots less than 5 acres:
 - (a) Any permitted principal or accessory uses/structures allowed in the underlying District that is also allowed in the A-3 District.
 - (b) Any permitted principal or accessory uses/structures not allowed in the A-3 District but allowed in the underlying district is only allowed if the AGO District is removed pursuant to § 420-13.
- C.- Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements). There are no conditional uses specified for this District.
- D. Dimensional, design and operational standards. Except as specifically provided in this chapter, all uses, sites, buildings and structures in the AGO District shall comply with the dimensional, design and operational standards to the extent applicable as set forth in the A-2 District for lots 10 acres or larger; the A-3 District for lots less than 10 acres but a minimum of 5 acres; and the underlying District for lots less than 5 acres.
- E. Authorized sanitary sewer system. See § 420-32 of this chapter.
- F. Authorized water supply system. See § 420-33 of this chapter.

4. Section 420-135 related to the UHO, Urban Land Holding Overlay District is being repealed and recreated to read as follows:

420-135 UHO Urban Land Holding Overlay District.

- A. Primary purpose and characteristics. This district is intended to be used where land is expected to experience further urban development in accordance with underlying zoning but where such development cannot be permitted at the present time due to the existence of one or more deficiencies, including lack of essential services, such as municipal sanitary

sewer, water or stormwater management facilities; or the need to provide for access to existing, adjacent or landlocked properties or other development matters.

- B. Principal uses. Any existing principal use as permitted in the underlying basic use district, except that any expansions thereof shall be subject to compliance with requirements pursuant to Subsection H and review of site plans pursuant to Subsection I below.
- C. Accessory uses. Any existing accessory use as permitted in the underlying basic use district, except that any expansions thereof shall be subject to review of site plans under Subsection I below.
- D. Conditional uses. Any existing conditional use shall, or existing uses entitled to conditional use status which apply for such status, except that any expansion thereof shall, in addition to meeting the requirements for conditional uses of this chapter, in the process of having its conditions set, be subjected to review of site plans under Subsection I below.
- E. Dimensional and design standards. As specified in the underlying basic use district.
- F. Operational standards. As specified in the underlying basic use district.
- G. Setbacks. As specified in the underlying basic use district.
- H. Authorized sanitary sewer system and water supply system. As permitted in the underlying basic use district.
- I. Review of site plans.
 - (1) If any existing use is proposed to be expanded prior to removal of this overlay district, then before permits are issued the owner shall first obtain site plan approval from the Village Zoning Administrator to ensure that the proposed expansion:
 - (a) will not worsen an existing deficiency of the property or neighborhood or prevent the eventual solution of such deficiencies; or
 - (b) does not interfere with future expansion of streets or stormwater drainage or adversely affect future development or platting of the remainder of the property or adjacent properties.
 - (2) If a new single-family dwelling is proposed to be constructed on a vacant lot where the underlying zoning district allows for a single-family dwelling and municipal sewer and water is not readily available; then prior to issuance of a permit for said dwelling, the property owner shall execute the Village prepared Waiver of Special Assessment Notice and Hearing for the future extension of said municipal utilities. Said Waiver provides the owners with advanced notice of contemplated special assessment for future extension of these municipal utilities. Said waiver shall be recorded at the Kenosha County Register of Deeds Office, at the owner's expense, as a conditional precedent to issuance of the permit for said dwelling.

Adopted this 11th day of August 2025.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

Jane C. Snell
Village Clerk

David J. Klimisch
Village President

Posted: _____
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