



**Request for Proposals for the Development of the
5th Avenue and 59th Street Housing Project**

Issued by: City of Kenosha, Wisconsin

Date of Issuance: May 1, 2019

Proposal Due Date: 4pm, Friday, June 14, 2019

Delivered To: Community Development & Inspections
Attention: Jeff Labahn, Director
625 52nd Street, Room 308
Kenosha, WI 53140

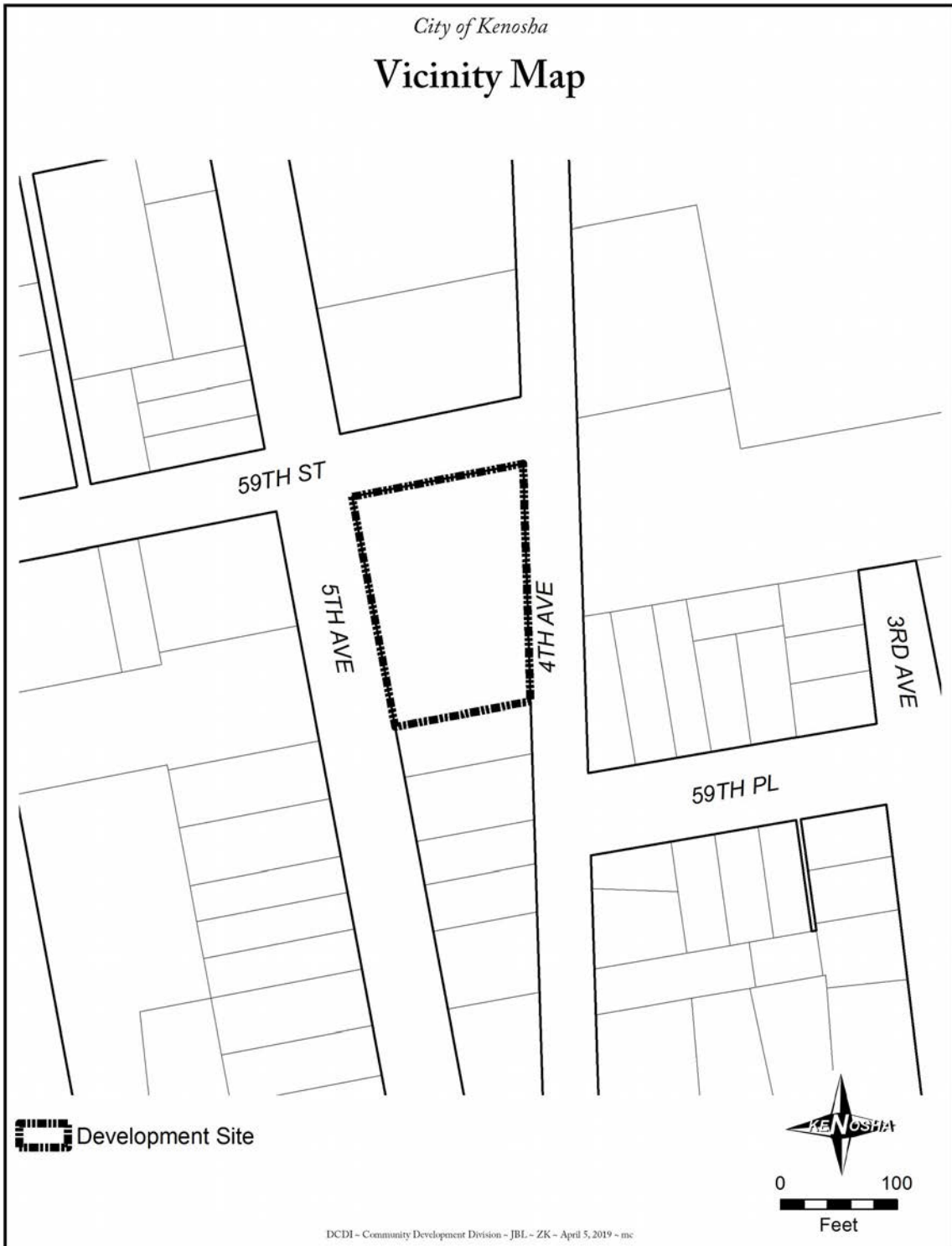
“RFP – 5th Avenue and 59th Street Housing Project”

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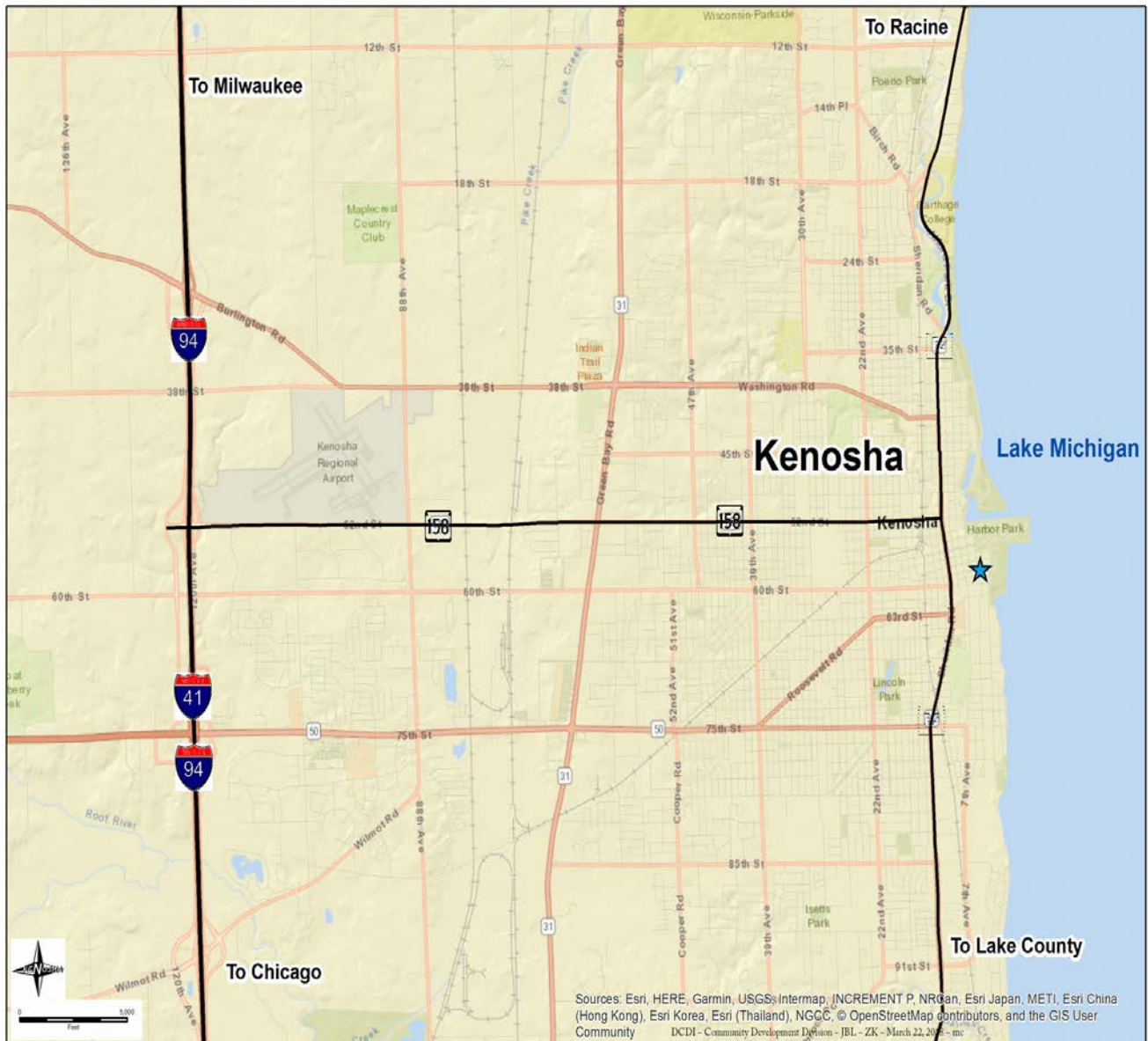
Purpose

The City of Kenosha is requesting proposals from qualified developers for the construction of a multi family residential housing project at 5th Avenue and 59th Street. The chosen developer should expect to acquire the project site and begin construction in the Spring of 2020.

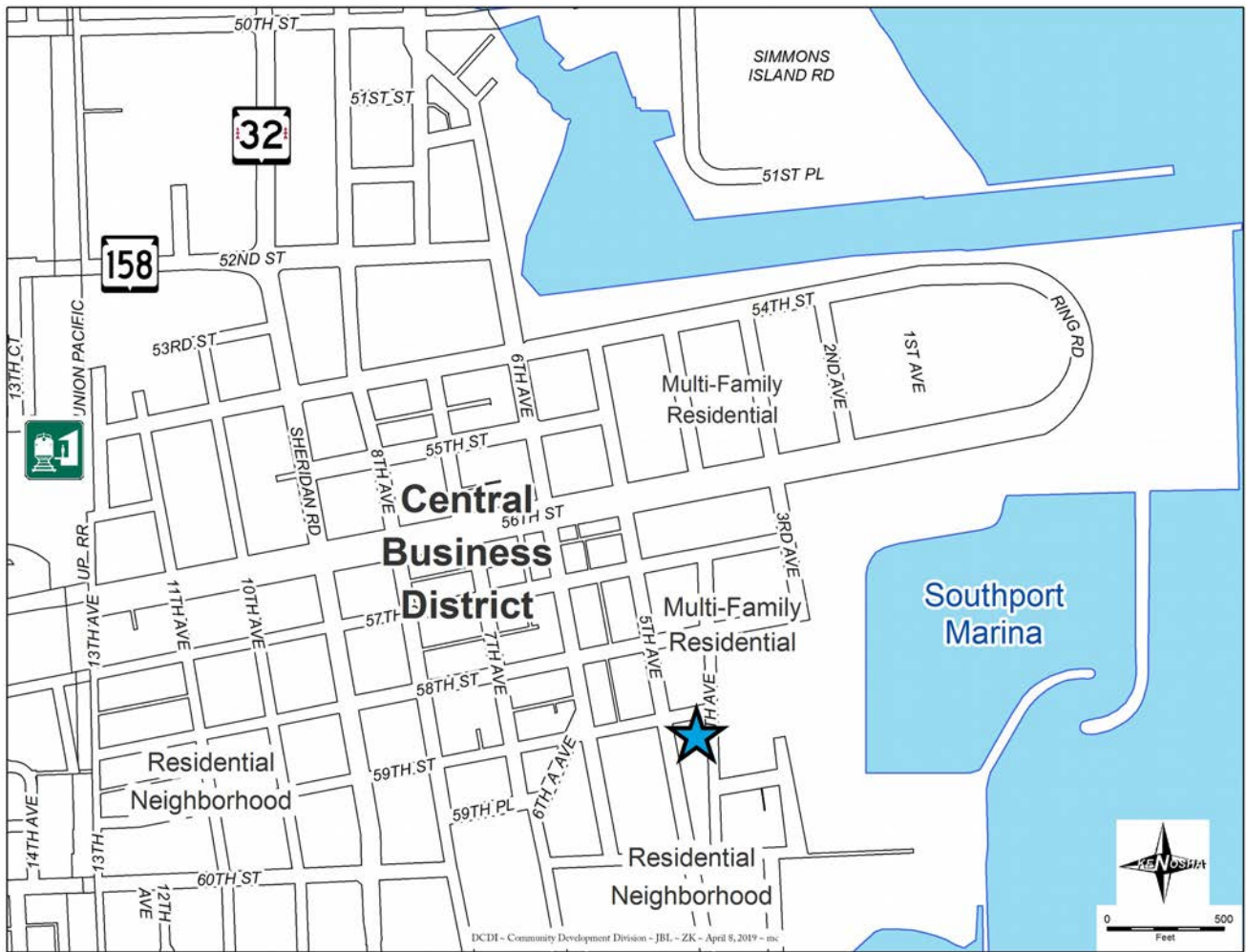


Location

The project site is located on the south side of downtown Kenosha and is surrounded by a new multi family residential development to the north, a community garden and Southport Marina to the east, a single and two family residential neighborhood to the south and Kenosha's Central Business District to the west. The site is also only a few blocks away from State Trunk Highways 32 and 158 which provide easy access to the City of Racine to the north, Lake County and Chicago, Illinois to the south, and Interstate 94 to the west. In addition, the Kenosha Metra Rail commuter station is within walking distance of the project site and provides direct access to downtown Chicago.



Project Area Map



North across the site.



South across the site.



East across the site.



West across the site.

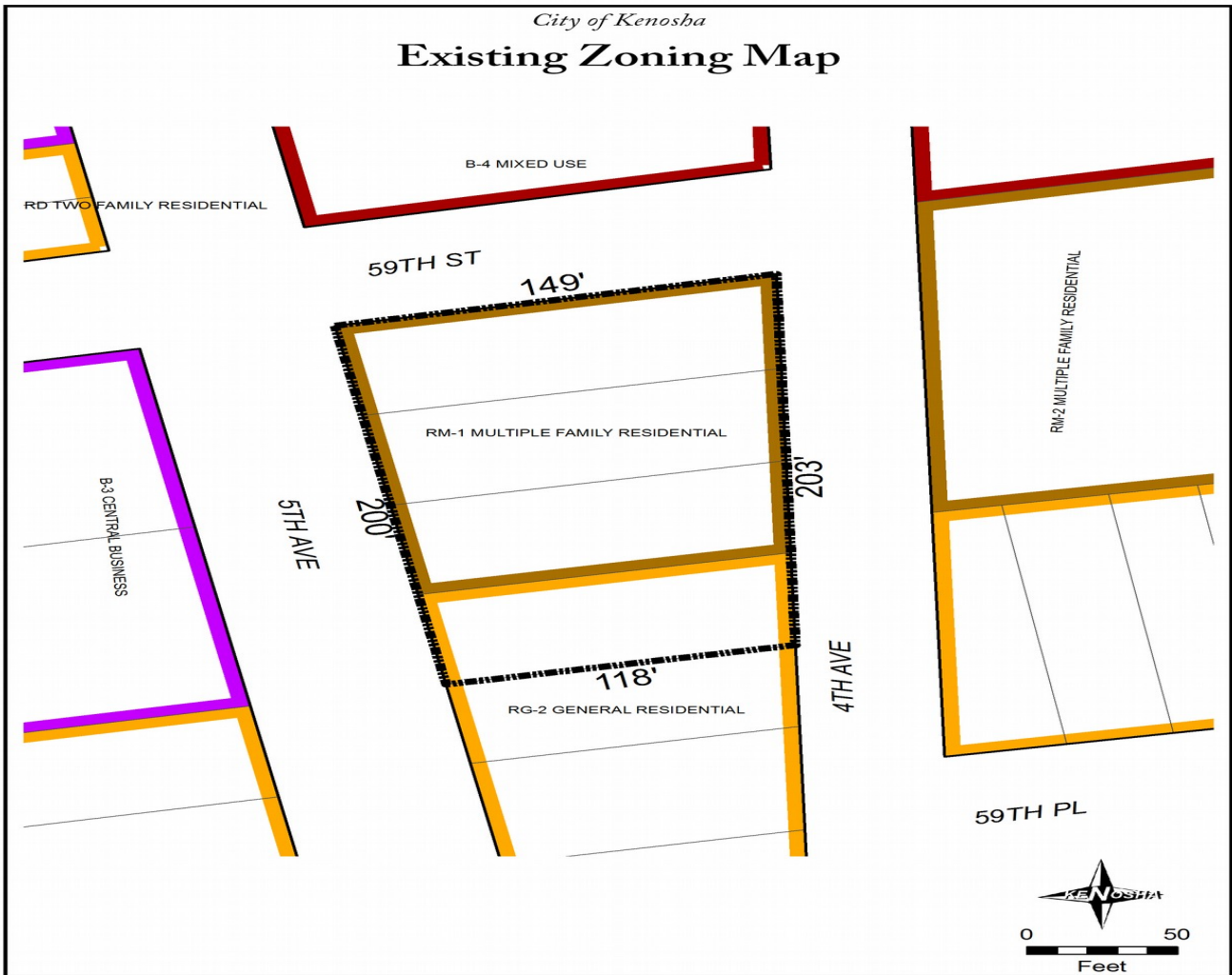


Site History & Description

The project site consists of four separate parcels that previously consisted of a 40 unit residential rooming house, a two family residential home, and two four-unit residential buildings. These properties had a blighting influence on the surrounding area, therefore the City had acquired and razed them in 2018.

The total project site is approximately .62 acres. The site dimensions are approximately 200' x 149' x 203' x 118'. Current zoning for three of the parcels are *RM-1 Multi Family Residential District* and the fourth parcel is *RG-1 General Residential District*. The City will require the developer to rezone all four parcels to *B-4 Mixed Use District* upon submittal of an acceptable development plan. The specific project density will be determined by the Review Authority, which is the City Plan Commission.

PLEASE NOTE: City financial assistance in the form of tax incremental finance development grants, revenue bonds or any other sources will NOT be provided to this project.



Submittal Requirements

All proposals must contain the following:

Cover Letter

- Description of the key features of the proposal
- The name, address, telephone number and e-mail address of the contact person

Background

- Description of previous experience on similar projects
- Identification of the individuals that will be working on the project, what their roles will be, and their experience
- Key references from similar projects completed including client name, address and telephone number

Conceptual Development Plan

- Proposed site plan at a scale of 1" = 30 feet
- Exterior elevations and/or renderings for all building elevations and description of building and site materials
- Interior floor plans
- Breakdown of the housing units by square footage and number of bedrooms
- Number of off-street parking spaces provided
- Breakdown of any special features and amenities
- Estimate of total development costs broken out by hard and soft costs and financing and identify any proposed sources of financing
- Evidence of capability to secure capital for the project
- Schedule of implementation for the project through various phases of site preparation, construction and occupancy
- Must comply with *B-4 Mixed Use District* zoning regulations (attached)

Offering Price

- An Offer for the land supported by the proposed Development Plan.

Submission Data

All proposals must be submitted in a sealed envelope by 4:00pm, Friday, June 14, 2019 and shall indicate on the envelope *“RFP – 5th Avenue and 59th Street Housing Project”*. Any proposals received electronically, loose, or in an unsealed envelope will be rejected. Any proposals received after the deadline will also be rejected.

Five (5) bound copies and one (1) unbound original of the proposal shall be submitted in a sealed envelope. The proposals shall be in a standard 8 ½” x 11” format with all Conceptual Development Plan drawings at 11” x 17”.

The proposals shall be submitted to:

**Community Development & Inspections
Attention: Jeff Labahn, Director
625 52nd Street Room 308
Kenosha, Wisconsin 53140**

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The City of Kenosha reserves the right to accept or reject any or all proposals, to select the proposal that best meets the needs of the City in the City’s sole discretion, and to negotiate certain points of the final agreement with a qualified proposer.

The City of Kenosha is not liable for any costs incurred in the preparation, submittal or negotiations of the proposals. All proposals become the property of the City of Kenosha and will not be returned to the proposers.

Evaluation Criteria

The City of Kenosha will use the following criteria to evaluate each proposal:

1. Compliance with the stated purpose
2. Quality of the development concept
3. Professional and technical competence as evidenced by:
 - * Professional qualifications and specialized experience of the individuals that will be working on the project
 - * Current and previous performance of the developer on similar projects
 - * Responses from key references
4. Financial qualifications, including a proven ability to obtain capital for similar projects and the amount required for this proposal
5. Project completion schedule
6. Total project investment

Selection Process

The review and selection process for the Development of the *5th Avenue and 59th Street Housing Project* is as follows:

1. **Proposals are due to the City of Kenosha Department of Community Development & Inspections, Room 308 no later than 4:00pm, Friday, June 14, 2019**
2. The City of Kenosha will review and evaluate all proposals in accordance with the evaluation criteria
3. Based on the evaluation of the proposals, those qualified proposers will be interviewed by the City of Kenosha
4. The interviews may lead to the identification of the preferred developer and subsequent negotiations to refine the financial terms and development plan and to prepare a Development Agreement. During this step, the selected developer may be asked to prepare more detailed information.
5. Following the completion of negotiations, the selected developer will be required to make a project presentation to the City Plan Commission.
6. Following Plan Commission review, the proposal and Development Agreement will be forwarded to the City of Kenosha Common Council for final approval.

The tentative timetable for the selection process is as follows:

Deadline for Proposals	June 14, 2019 (4pm)
Identify Qualified Proposers	June 24, 2019
Interviews	July 9-11, 2019
Complete Negotiations	August 30, 2019
City Plan Commission Presentation	September 5, 2019
Common Council Approval	September 16, 2019

For all inquiries related to the contents of this request for proposal, contact Zohrab Khaligian, Department of Community Development & Inspections, at (262) 653-4041 or zkhaligian@kenosha.org.

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3.155 B-4 MIXED-USE DISTRICT

The primary purpose and characteristics of the B-4 Mixed Use District are intended to accommodate retail, service, office, institutional and residential uses characteristic of a mixed-use neighborhood in a manner consistent with an adopted Neighborhood Plan or Site Development Plan in selected areas of the City.

A. Permitted Uses

1. Convenience Retail and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for herein, and in Section 3.155 B.9. of this Ordinance:

- a. Bakery, retail.
- b. Barbershop.
- c. Beauty or styling salon.
- d. Bicycle sales, rental and repair shop.
- e. Book and stationery shop, or newsstand; excluding adult uses, as defined.
- f. Camera and photographic supply store.
- g. Candy and ice cream store.
- h. Clothes and costume rental service.
- i. Coffee shop.
- j. Dressmaking, tailor or alteration shop.
- k. Drugstore.
- l. Florist shop.
- m. Food store; grocery; meat, poultry and fish market; and delicatessen; including the use of controlled atmosphere smoke producing and processing equipment for retail and custom order purposes.
- n. Gift shop
- o. Hobby shop
- p. Jewelry store.
- q. Laundromat and dry cleaning establishment, including clothes or garment pickup/dropoff facilities.
- r. Locksmith.
- s. Office supply store.
- t. Package beverage store.
- u. Pet shop.
- v. Photocopying center.
- w. Record or tape store.
- x. Repair, rental or servicing of any article the sale of which is a conditional use in the B-4 District.
- y. Restaurant, including outdoor café restaurants and refreshment stands
- z. Secondhand Article Dealer.
- aa. Shoe repair and combination shoe sales.
- bb. Tobacco and pipe shop.
- cc. Travel bureau and transportation ticket office.
- dd. Upholstering shop.
- ee. Artisan studio.

2. General Merchandise and Service Stores as follows, all conducted wholly within an enclosed building, except as provided for in Section 3.155 B.9. of this Ordinance:

- a. Apparel store.
- b. Business machine sales and service.
- c. Catalog and mail-order store.
- d. Department store.
- e. Drapery, curtain, and fabric store.
- f. Furniture and home furnishing store.
- g. Furriers and fur shops.

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- h. Household appliance store.
- l. Interior decorating and picture framing studio
- j. Leather goods and luggage store.
- k. Musical instrument store.
- l. Opticians sales.
- m. Orthopedic and medical appliance store.
- n. Radio, television, stereophonic and other electronic appliance store.
- o. Shoe and boot store.
- p. Sporting goods and trophy store.
- q. Toy store.
- r. Variety store.

3. Miscellaneous Retail Building, Home Improvement and Gardening Supply Stores and uses as follows, all conducted wholly within an enclosed building, except as provided for in Section 3.155 B. 9. of this Ordinance:

- a. Building supply store, not involving the manufacture, treatment or processing of any product other than the cutting and planing which is clearly incidental or essential to the retail business.
- b. Carpenter, electrical, plumbing, heating and air conditioning shop, showroom and storage area.
- c. Floor covering and carpet store.
- d. Garden supply store.
- e. Hardware store.
- f. Paint, glass and wallpaper store.
- g. Tool or equipment rental store.

4. Miscellaneous Retail and Service Uses as follows, all conducted wholly within an enclosed building, except as provided for herein, and in Section 3.155 B.9. of this Ordinance:

- a. Adult day care centers.
- b. Bank and other financial institutions, including drive-thru facilities.
- c. Bowling alleys and roller skating rinks.
- d. Civic, social and fraternal clubs and lodges, and union halls, including for-profit and nonprofit establishments.
- e. Funeral homes.
- f. Janitorial supply and service stores.
- g. Medical clinics or laboratories, excluding hospitals.
- h. Nursery and child care centers.
- i. Offices; business, professional, governmental, civic, service, philanthropic, political and union.
- j. Physical fitness center and health club.
- k. Printing and publishing establishments, including newspaper establishments.
- l. Private business; dance, driving or martial arts schools, or other similar private schools.
- m. Recording and sound studio.
- n. Sign painting shop limited to posters, banners, bumper stickers, truck and windows and other nonelectrical advertising displays.
- o. Studio for art, dance, music or photography.
- p. Tavern and cocktail lounge, and combination restaurant or eatery, including outdoor serving areas.
- q. Theater; indoor.

5. Motor Vehicle Uses as follows, provided that all storage shall be within completely enclosed buildings or contained within accessory outdoor storage areas effectively screened:

- a. Automobile accessory and parts store.
- b. Parking facilities, including structures and ramps. Parking structure and ramp facilities shall be designed with high quality materials that are compatible with other buildings on the site and shall be designed with vertical emphasis and articulation. At least fifty (50%) percent of any parking structure's total

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ground floor frontage, excluding driveway entrances and elevators, shall be designed to accommodate commercial or office space.

6. Institutional Uses as follows:

- a. Cultural institutions, including libraries, museums and art museums.
- b. Educational institutions, including public and private schools.
- c. Parks and playgrounds, including buildings and grounds, and properly licensed concessions.
- d. Philanthropic and charitable institutions.
- e. Public administrative offices and public service buildings, including fire and police stations, community centers and public emergency shelters.
- f. Public transportation uses, including municipal bus and transportation terminals.
- g. Public and private utility offices.
- h. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Such quarters are permitted to be located on the same lot with a religious institution.

B. Permitted Accessory Uses.

1. Garages for the storage or loading of vehicles used in conjunction with the operation of a principal use.

2. Home occupations in residential dwellings, in conformance with the standards and conditions set forth in Section 3.03G. of this Ordinance.

3. Off-street parking and loading spaces and facilities, in conformance with §6.0 of this Ordinance. Loading docks shall be properly screened and/or recessed. Screening shall be accomplished by walls of the same building material as the principal building.

4. Outdoor Dining Areas located in public right-of-ways or major street setback areas, in conjunction with an adjacent bakery, candy and ice cream store, coffee shop, food store, grocery, delicatessen or restaurant in conformance with Section 5.046 of the Code of General Ordinances.

5. Power supply units, external building heating/cooling systems, and other uses normally auxiliary to the principal use. Such equipment shall be screened by fencing, walls or vegetation. Rooftop equipment shall be screened behind parapets or recessed into roofs with matching building materials, and shall be located below the highest vertical element of the building.

6. Public use service building or structure.

7. Trash enclosures. Such enclosures shall be constructed of building materials that match the associated building. Screening shall be provided on three sides and on the fourth side by a gate which also provides screening.

8. Signs in conformance with the following:

a. Nonresidential uses, and residential and nonresidential uses located in the same building, shall be restricted to the requirements of the IP Column in Table 1 of Chapter 15 of the Code of General Ordinances.

b. Residential uses shall be restricted to the requirements of the RM Column in Table 1 of Chapter 15 of the Code of General Ordinances.

c. Notwithstanding the above, one (1) gateway entry feature for the overall development that includes a development identification sign and sign directory of nonresidential tenants, as permitted by the Review Authority.

9. Sidewalk display area located on private property along the frontage of each tenant space and in compliance with the Americans With Disabilities Act.

10. Any other accessory use as permitted by the Review Authority.

11. Artisan manufacturing conducted wholly within an enclosed building. Such production of items shall be an accessory use to an artisan studio and shall not cause, create or result in noxious odors, smoke, dust, or dirt, or cause objectionable sounds of an intermittent nature which become a nuisance to adjacent uses.

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C. Conditional Uses Subject to Section 4.06 B.21. of the Zoning Ordinance, and Additional Standards As Noted.

1. Single family attached residences in conformance with Section 4.06 A.16., Zoning Ordinance..
2. Hotels and motels in conformance with Section 4.06 B.13., Zoning Ordinance.
3. Community Living Arrangements, that are both: (a) in conformance with Subparagraph 4.06 A.1., Zoning Ordinance; and (b) either (i) in conformance with §62.23 (7)(i), Wisconsin Statutes, or (ii) not in conformance with §62.23 (7)(i) but all of the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living in the Community Living Arrangement because of their disability or handicap. In the latter circumstance, compliance with §62.23 (7)(i) is not required.
4. Convention center, in conformance with Section 4.06 B.4., Zoning Ordinance.
5. Brewpub or winery, accessory to a restaurant, tavern, cocktail lounge or package beverage store, provided that no greater than thirty (30%) percent of the gross floor area is devoted to any manufacturing or processing, or storage of beverages produced on premises, provided that brewpubs produce no greater than two thousand (2,000) barrels of fermented malt beverages per year, or that wineries produce no greater than twenty thousand (20,000) gallons of wine per year, in conformance with Section 125, Wisconsin Statutes, Chapter 10 of the Code of General Ordinances, and Section 4.06 B.12., Zoning Ordinance.
6. Bed and Breakfast Establishments in conformance with Section 4.06 A.7. of the Zoning Ordinance.
7. Utility substations not visible from public streets or public spaces, in conformance with Section 4.06 D.11. of the Zoning Ordinance.
8. Storm water detention and retention basins.
9. Drive-thru facilities in conjunction with any permitted use, excluding alcohol beverage sales, and in conformance with Section 4.06 B.15 this Ordinance. Drive-thru lanes shall not be located between a building and a major street.
10. **Unified Business Center.** A commercial development as defined in Section 12.0 of the Zoning Ordinance.
11. **Large Scale Commercial Development.** A commercial development as defined in Section 12.0 of the Zoning Ordinance.
12. Pawnbroker.
13. Secondhand Jewelry Dealer.
14. **Multiple Family Residences.** Such residences may be located at or above the first floor, and attached or detached to another principal use.
15. **Elderly and/or Handicapped Multifamily Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities.** Such units, living arrangements or facilities may be located at or above the first floor, and attached or detached to another principal use. Assisted living facilities shall also be in conformance with Section 50.034, Wisconsin Statutes, and Chapter DHS89, Wisconsin Administrative Code.
16. **Related Elderly Housing Facilities,** including management office, service building, clubhouse, centralized recreational facilities, including swimming pools; private, noncommercial tennis and game courts in conformance with Chapter 9 of the Code of General Ordinance; private, noncommercial, common dining room, infirmary and limited medical emergency facilities restricted to serving residents; limited convenience retail and service uses for the benefit of the residents and guests.

D. Lot Area and Width.

1. Single Family Attached Residences.

a. Single Family Attached Residences Located on Separate Lots. Interior lots shall be required to have a minimum lot area of two thousand five hundred (2,500) square feet and a minimum lot width of twenty-five (25') feet. Corner lots shall be required to have a minimum lot area of three thousand (3,000) square feet and a minimum lot width of thirty (30') feet.

b. Single Family Attached Residences Located on Common Lot. A series of single family attached residences located on a common property shall be required to have a minimum lot width of

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twenty-five (25') feet for each interior unit and a lot width of thirty (30') feet for each corner unit. A single family attached residential development shall be required to have a minimum lot area of two thousand five hundred (2,500) square feet for each interior unit and a minimum of three thousand (3,000) square feet for each corner unit.

2. Commercial, Office, Institutional, Multiple-Family Residential, Elderly and/or Handicapped Multi-Family Units, Elderly and Handicapped Community Living Arrangements, and Assisted Living Facilities.

a. There shall be no minimum lot area or width requirements, for Commercial, Office, Institutional, Multiple-Family Residential, or Elderly and/or Handicapped Multi-Family uses.

b. Lots used for Community Living Arrangements shall be required to have a minimum of five hundred (500) square feet of lot area per bed.

E. Building Height.

1. Principal Buildings or Structures. No building or structure, nor the enlargement of any building or structure, shall exceed five (5) stories or fifty (50') feet in height. Buildings shall be a minimum of twenty-five (25') feet in height at their lowest portion, or as approved by the Review Authority.

2. Accessory Buildings or Structures. No accessory building or structure, nor the enlargement of any accessory building or structure, shall exceed twenty (20') feet in height.

F. Yard Requirements.

1. Single Family Attached Residences.

a. **Front Yard.** There shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the front lot line, or from the setback line of any major street. A minimum of ninety (90%) percent of the principal building width measured at ground level shall be located at a consistent build-to line.

b. Side Yards.

(1) **Interior Side Yard.** There shall be a minimum interior side yard of five (5') feet for one story buildings, and eight (8') feet for two or more story buildings. Interior lots shall have two (2) interior side yards. Single-family attached residences without any windows or openings may have the interior side yard reduced to zero (0') feet when located adjacent to another single-family attached residence, and when approved as part of a planned development through a Conditional Use Permit.

(2) **Street Side Yard.** There shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the street-side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one interior side yard. A minimum of sixty (60%) percent of the principal building width, or a combination of sixty (60%) of the principal building width and accessory building width, measured at the ground level, shall be located at the build-to line on at least one (1) street side yard.

(3) **Rear Lot Access.** A minimum nine (9') foot side yard shall be maintained on one side of the principal building for purposes of providing adequate rear lot access, except where an attached garage is part of the principal building or where a lot has access to an alley.

c. **Rear Yard.** There shall be a minimum rear yard of twenty-five (25') feet.

d. **Distance Between Grouped Buildings.** A minimum yard of twenty (20') feet shall be maintained between two (2) or more principal buildings that are constructed on the same lot.

e. Permitted Encroachments Beyond Build-To Line.

(1) Notwithstanding Section 2.03 D.3. of the Ordinance, covered or uncovered porches, balconies, stoops, bay windows and stairs shall be permitted to extend into an encroachment zone up to zero (0') feet from the property line. Such encroachment zone shall be located between the front yard build-to line and front property line, and the street side yard build-to line and street side yard property line.

(2) Eaves may extend up to four (4') feet into the permitted encroachment zone. In no case may an eave extend beyond the property line.

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(3) Garden walls or fences shall be permitted along the build-to line or property line at street or public way frontage, or at a common property line. These walls or fences may be made of either the material of the adjacent building, masonry, metal, landscape material or combination of acceptable materials.

f. Accessory Building, Structures or Uses.

(1) **Accessory Front Yard.** There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. The minimum accessory front yard may be reduced by the designated Review Authority.

(2) Accessory Side Yards.

(a) **Accessory Interior Side Yard.** There shall be a minimum accessory interior side yard of two (2') feet.

(b) **Accessory Street Side Yard.** There shall be a build-to line of fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum combination of sixty (60%) percent of the principal building width and the accessory building width, measured at the ground level, shall be located at the build-to line on at least one street side yard.

(3) **Accessory Rear Yard.** There shall be a minimum accessory rear yard of two (2') feet.

(4) **Distance Between Accessory Buildings or Structures and the Principal Building or Structure.** Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

(5) **Maximum Coverage of Lot With Accessory Buildings or Structures.** Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of fifteen (15%) percent of the lot area, unless approved under a Conditional Use Permit.

(6) **Exterior Building and Structure Materials.** Exterior building materials for accessory buildings and/or structures shall be consistent with materials used on the principal building(s).

g. Exceptions:

(1) Where primary entrances are located along a street side yard, or a rear yard located along a public street, a minimum of ninety (90%) percent of the principal building width measure at the ground level shall be located at a consistent build-to line.

(2) Where primary entrances are located along a private street, there shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the back of the curb of the private street pavement, or other defined edge as approved by the Review Authority. A minimum of ninety (90%) percent of the principal building width measured at the ground level shall be located at a consistent build-to line.

2. Multiple-Family Residential, Elderly and/or Handicapped Multi-Family Units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities.

a. Front Yard. There shall be a build-within range of zero (0') feet to fifteen (15') feet, measured from the front lot line, or from the setback line of any major street. A minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority. The percentage within the build-within range may also be satisfied through a garden wall having a minimum height of three (3') feet when so authorized by the Review Authority.

b. Side Yards.

(1) Interior Side Yard.

(a) One or two story building: ten (10') feet.

(b) Three story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story.

(c) Four story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story, and fourteen (14') feet for the fourth story.

(d) Five story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story; fourteen (14') feet for the fourth story, and sixteen (16') feet for the fifth story.

(e) Where a building has a masonry wall without any windows or openings on a side of a building, the interior side yard along that side of the building may be reduced to zero (0).

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(2) Street Side Yard. There shall be a build-within range of zero (0') feet to fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3') feet, measured at the ground level, shall be located within the build-within range on at least one street side yard. The percentage required within the build-within range may be reduced when so authorized by the Review Authority.

c. Rear Yard. A rear yard of not less than ten (10') feet is required unless the rear yard is located along a public street, in which case a build-within range of zero (0') feet to fifteen (15') feet, measured from the rear lot line, or from the setback line of any major street, shall be required. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3') feet, measured at the ground level, shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority.

d. Distance Between Grouped Buildings. A minimum yard of twenty (20') feet shall be maintained between two (2) or more principal buildings that are constructed on the same lot.

e. Permitted Encroachments Beyond Build-To Line.

(1) Notwithstanding Section 2.03 D.3. of the Ordinance, covered or uncovered porches, balconies, stoops, bay windows and stairs shall be permitted to extend into an encroachment zone of range of zero (0') feet to fifteen (15') feet. Such encroachment zone shall be located between the front yard build-to line and front property line, and the street side yard build-to line and street side yard property line.

(2) Eaves may extend up to four (4') feet into the permitted encroachment zone. In no case may an eave extend beyond the property line.

(3) Garden walls or fences shall be permitted along the build-to line or property line at street or public way frontage, or at a common property line. These walls or fences may be made of either the material of the adjacent building, masonry, metal, landscape material or combination of acceptable materials.

f. Accessory Building, Structures or Uses.

(1) Accessory Front Yard. There shall be a minimum accessory front yard of seventy (70') feet, measured from the front lot line, or from the setback line of any major street. The minimum accessory front yard may be reduced by the designated Review Authority.

(2) Accessory Side Yards.

(a) Accessory Interior Side Yard. There shall be a minimum accessory interior side yard of four (4') feet.

(b) Accessory Street Side Yard. There shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum combination of sixty (60%) percent of the principal building width and the accessory building width, measured at the ground level, shall be located at the build-to line on at least one street side yard.

(3) Accessory Rear Yard. There shall be a minimum accessory rear yard of four (4') feet, except where a rear yard is located along a public street, in which case there shall be a build-to line of twelve (12') feet, measured from the front lot line, or from the setback line of any major street.

(4) Distance Between Accessory Buildings or Structures and the Principal Building or Structure. Accessory buildings or structures shall not be constructed or placed closer than five (5') feet to any principal building or structure on the lot.

(5) Maximum Coverage of Lot With Accessory Buildings or Structures. Accessory buildings or structures, other than swimming pools, shall not cover any portion of a lot in excess of fifteen (15%) percent of the lot area, unless approved under a Conditional Use Permit.

(6) Exterior Building and Structure Materials. Exterior building materials for accessory buildings and/or structures shall be consistent with materials used on the principal building(s).

g. Exceptions:

(1) Where more than one (1) building has frontage along a major street, a consistent build-to line shall be provided for all buildings, except where approved by the Review Authority.

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(2) Where a primary entrance into a building or unit is located on a street side yard, or a rear yard located on a public street, a minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located at a consistent build-to line.

(3) Where an entrance for underground parking is provided from a public street, the build-to line may be increased to a maximum of twenty-five (25') feet.

(4) Where a primary entrance into a building or unit is located along a private street, there shall be a build-to line range of zero (0') feet to fifteen (15') feet, measured from the back of the curb of the private street pavement, or other defined edge as approved by the Review Authority. A minimum of sixty (60%) percent of the principal building width measured at the ground level shall be located at a consistent build-to line. Elderly and/or Handicapped Multifamily units, Elderly and Handicapped Community Living Arrangements and Assisted Living Facilities shall not be required to build to the build-to line along a private street.

(5) Build-to lines located on lots with curved property lines at a public or private street may be substituted with a straight line located at the average depth of the curved line. Where two (2) or more buildings are located along a curved property line along a public or private street, a curved build-to line may be substituted with a straight line located at the average depth of the curved line along the frontage of each building.

(6) Encroachments permitted under Section 3.155 F.2.e. shall also be permitted where a primary entrance into a building or unit is located along a private street, or when a rear yard is located along a public street. The encroachment zone shall be located between the build-to line and the property line, or other defined edge approved by the Review Authority.

3. Commercial, Office, Institutional and Multiple-Family Residential Above The First Floor.

a. **Front Yard.** No front yard shall be required; however, no building shall have a yard greater than fifteen (15') feet from a property line along a public street, or the setback line of any major street.

b. Side Yards

(1) Interior Side Yard.

(a) Two story building: ten (10') feet.

(b) Three story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story.

(c) Four story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story, and fourteen (14') feet for the fourth story.

(d) Five story building: minimum ten (10') feet for the first and second story; twelve (12') feet for the third story; fourteen (14') feet for the fourth story, and sixteen (16') feet for the fifth story.

(e) Where a building has a masonry wall without any windows or openings on a side of a building, the interior side yard along that side of the building may be reduced to zero (0') feet.

(f) Where a building has an interior side yard along a private street, no yard shall be required; however, no building shall be less than twenty (20') feet from another building located across a private street.

(2) **Street Side Yard.** No street side yard shall be required; however, no building shall have a yard greater than fifteen (15') feet from a property line along a public street, or the setback line of any major street.

c. **Rear Yard.** A rear yard of not less than nine (9') feet is required unless the rear yard is located along a public street, in which case, the rear yard may be reduced to zero (0') feet. No building shall have a yard greater than fifteen (15') feet from a property line along a public street, or the setback line of any major street.

d. Accessory Buildings, Structures or Fences.

(1) Where a principal building and accessory structure(s) have frontage along a public street, the required yard for the accessory structure(s) shall not be less than the principal building's yard. The minimum building to property line setback for the side and rear yards that do not front on a street shall be five (5') feet, unless constructed in accordance with the Commercial Building Code and used in conjunction with an approved commercial principal use of the property.

(2) No fence shall be constructed in any yard unless said fence is approved through a Conditional Use Permit/Site Plan Review.

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(3) Exterior Building and Structure Materials. Exterior building materials for accessory buildings and/or structures shall be consistent with materials used on the principal building(s).

e. Accessory Uses. Landscaping requirements in Section 14.07 F. shall be required for accessory uses where no building or structure is involved.

f. Exceptions:

(1) Where more than one (1) building has frontage along a major street, no yard along the major street shall be greater or lesser than an adjacent building, except where approved by the Review Authority.

(2) Where a building has frontage along two (2) or more public streets not classified as major streets, a maximum yard of fifteen (15') feet shall only be required for one (1) of the public streets.

(3) Where a building has a front yard along a public street and a street side yard along a major street, the Review Authority may approve a setback greater than fifteen (15') feet for the front yard side of the building.