

Article 3. District Specific Standards

Article 3. District Specific Standards1
 Sec. 17.0301. Bulk and Dimensional Standards.....1
 Sec. 17.0302. Calculating Dimensions.....3
 Sec. 17.0303. Modifications.....5
 Sec. 17.0304. Permitted and Conditional Uses.....7
 Sec. 17.0305. C-1 Shoreland Wetland Conservancy District Specific Standards.....12
 Sec. 17.0306. FW Floodway District Specific Standards14
 Sec. 17.0307. FF Floodfringe District Specific Standards.....17

Sec. 17.0301. Bulk and Dimensional Standards

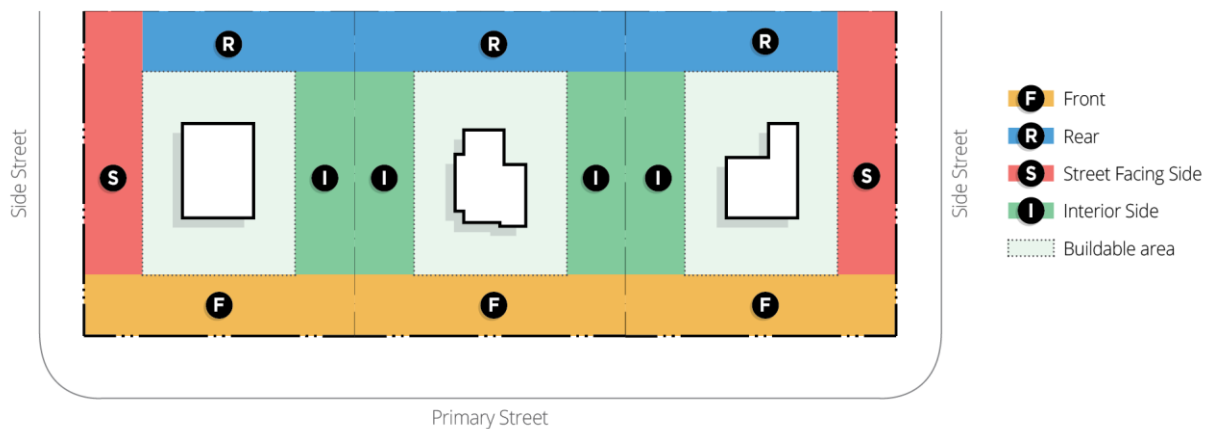
(a) Table 17.0301(a): Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a residential zoning district.

Table 17.0301(a): Bulk and Dimensional Standards								
Standard	ER	Rs-1	Rs-2	Rs-3	Rs-4	Rs-5	Rd-1	Rm-1
<i>Lot Standards (Minimum)</i>								
Lot Area	3 acres	21,780 sq ft	15,000 sq ft	10,500 sq ft	8,000 sq ft	5 acres	15,000 sq ft	15,000 sq ft
Lot Area / DU	-	-	-	-	-	-	7,500 sq ft	(1)
Lot Width (3)	200 ft	90 ft	80 ft	70 ft	60 ft	300 ft	100 ft	100 ft
<i>Yard Setbacks (Minimum)</i>								
Front	50 ft	30 ft	30 ft	30 ft	25 ft	(1)	30 ft	30 ft (2)
Street Facing Side	50 ft	30 ft	30 ft	30 ft	25 ft	(1)	30 ft	30 ft (2)
Interior Side	30 ft	10 ft	10 ft	10 ft	8 ft	(1)	10 ft	10 ft (2)
Rear	100 ft	30 ft	30 ft	30 ft	25 ft	(1)	30 ft	25 ft (2)
<i>Building Standards (Maximum)</i>								
Height	35 ft	35 ft	35 ft	35 ft	35 ft	(1)	35 ft	50 ft
Building Coverage	10%	30%	30%	40%	50%	(1)	50%	50%
Lot Coverage	-	-	-	-	-	(1)	-	70%
Notes:								
(1) As detailed in Article 4. Use Specific Standards.								
(2) No multifamily structure shall be located closer than 50 ft to a single-family district line.								
(3) An additional ten (10) feet of lot width shall be required for corner lots.								

(b) Table 17.0301(b): Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a nonresidential zoning district with the exception of the DTS Drexel Town Square District. The bulk and dimensional standards for the DTS Drexel Town Square District shall be pursuant to those established in the General Development Plan and Regulating Plan for the Drexel Town Square Mixed Use Planned Development District, as amended.

Table 17.0301(b): Bulk and Dimensional Standards									
Standard	A-1	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
<i>Lot Standards (Minimum)</i>									
Lot Area	5 acres	10,000 sq ft	10,000 sq ft	30,000 sq ft	40,000 sq ft	1 acre	1 acre	-	-
Lot Width	150 ft	75 ft	75 ft	150 ft	150 ft	150 ft	200 ft	-	-
<i>Yard Setbacks (Minimum)</i>									
Front	30 ft	25 ft	25 ft	25 ft	25 ft	25 ft	40 ft	30 ft	25 ft
Street Facing Side	30 ft	25 ft	25 ft	25 ft	25 ft	25 ft	40 ft	30 ft	25 ft
Interior Side	10 ft	20 ft	20 ft	15 ft	10 ft	15 ft	20 ft	50 ft	25 ft
Rear	100 ft	25 ft	25 ft	25 ft	15 ft	25 ft	20 ft	50 ft	25 ft
<i>Building Standards (Maximum)</i>									
Height	35 ft	45 ft	55 ft	50 ft	80 ft	50 ft	55 ft	55 ft	35 ft
Building Coverage	10%	40%	40%	40%	40%	60%	70%	30%	20%
Lot Coverage	-	70%	70%	70%	70%	70%	70%	70%	70%

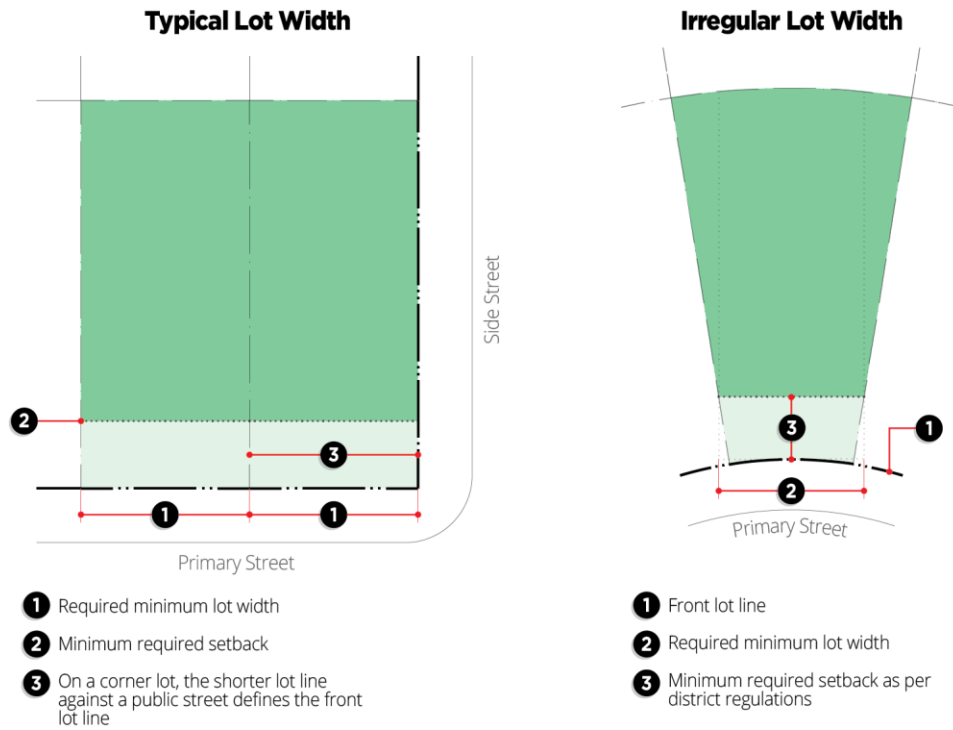
Figure 3.1: Yard Setback Locations



Sec. 17.0302. Calculating Dimensions

- (a) **Lot Width.** All lots shall abut upon a public or private street, and each lot shall have a minimum lot width measured at the property line.
- (b) **Lot Widths for lots that abut upon a cul-de-sac.** The lot width of all lots which abut upon a cul-de-sac may be reduced by a maximum of fifty (50) percent of the required lot width for the district in which it is located, as measured from the property line. The required lot width for the district shall be met at the front yard setback line.

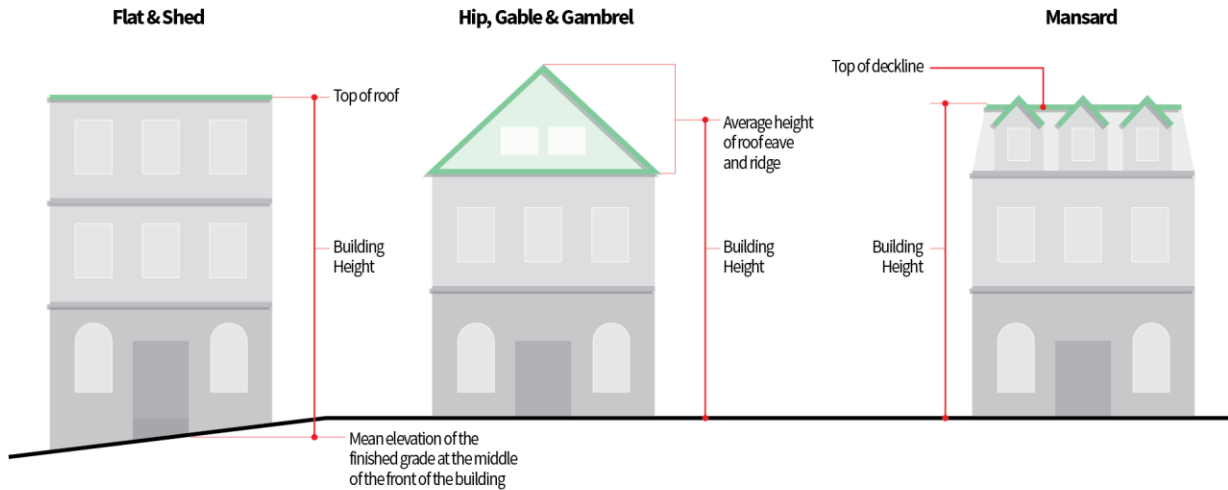
Figure 3.2: Calculating Lot Width



- (c) **Yard Setbacks.** A required yard setback shall be measured by the shortest distance between the principal building and the applicable lot line.

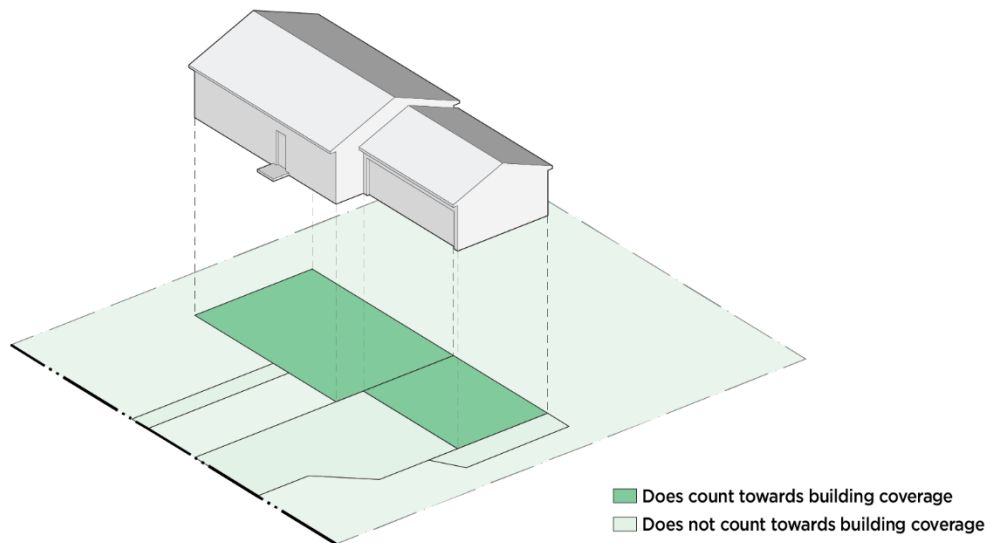
(d) **Height.** Building height shall be the vertical distance measured from the mean elevation of the finished lot grade along the front yard of the structure to the highest elevation of the roof.

Figure 3.3: Calculating Height



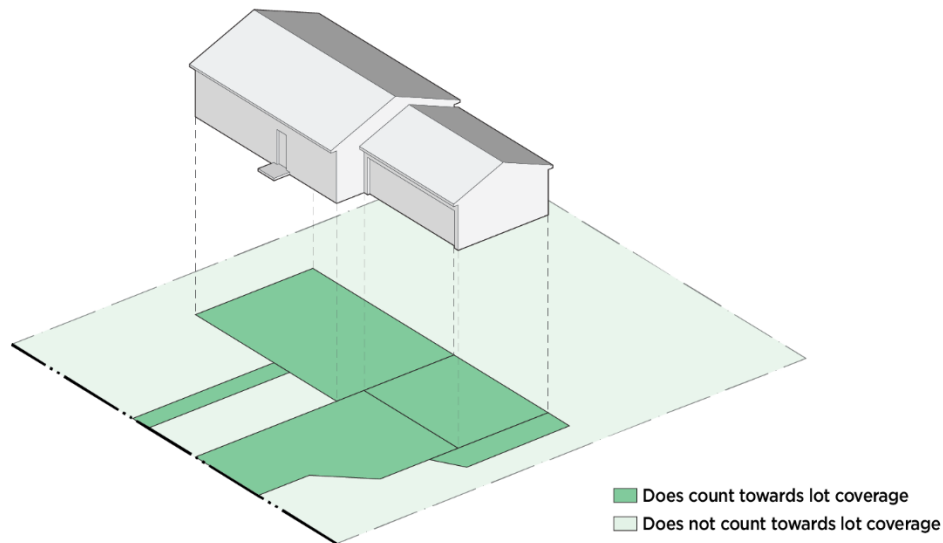
(e) **Building Coverage.** That portion of the lot occupied by a combination of the principal building and accessory buildings or structures.

Figure 3.4: Calculating Building Coverage



- (f) **Lot Coverage.** That portion of the lot that is covered by buildings and structures as measured to the roof, and paved surfaces.

Figure 3.5: Calculating Lot Coverage



- (g) **Lot Area.** Minimum lot area requirements shall not include wetlands or floodplains identified on FIRM maps unless a DNR permit for wetland fill has been obtained or a letter of map revision based on fill (LOMAR-F) has been issued.

Sec. 17.0303. Modifications

- (a) **Height Modifications.** The district height limitations included in Table 17.0301(a) and Table 17.0301(b) may be exceeded in accordance with the following:
- (1) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Chapter, but may be regulated by FCC or FAA, or Milwaukee County regulations where applicable.
 - (2) Special Structures, such as elevator penthouses, grain elevators, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, solar collectors, substations, and smokestacks, are exempt from the height limitations of this Chapter as approved by the Community Development Director or their designee and in compliance with all screening requirements established in Section 17.0506.
 - (3) Essential Services, utilities, water towers, electric power, telecommunications infrastructure, and communication transmission lines are exempt from the height limitations of this Chapter.
 - (4) Observation Towers shall not exceed in height two (2) times their distance from the nearest lot line.
 - (5) Agricultural Structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.

- (b) **Yard Setback Modifications.** The yard setback requirements included in Table 17.0301(a) and Table 17.0301(b) may be modified as follows:
- (1) Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, bow windows and ornaments, may project into any required setback, but such projection shall not exceed two (2) feet.
 - (2) Essential Services, utilities, and electric power and communication transmission lines are exempt from the setback requirements of this Chapter.
 - (3) Patios, decks, fire pits, outdoor kitchens and similar permanent accessory structures constructed at or below grade may project into the interior side and rear yards, but such projection shall maintain a five (5) foot setback from the interior side lot line and ten (10) foot setback from the rear lot line.
 - (4) Residential air conditioning condensers, generators, and similar residential mechanical equipment may project into the interior side or rear yards, but such projection shall maintain a five (5) foot setback from all lot lines.
 - (5) A maximum of one (1) flagpole per lot may project into any yards but shall not exceed the maximum permitted building height of the district in which they are located.
 - (6) Municipally-owned emergency sirens may project into any yards.
 - (7) Yard Art, such as sculptures, bird baths, fountains, or seasonal decorations, may project into any required setback, but must be continually maintained and not interfere with required sight triangles, public services, wetlands, floodplains, rights-of-way, or utilities.
- (c) **Average Front Setbacks.** The required front setback shall not be decreased below the minimum setback for the district in which it is located. However, if the principal structures on abutting lots are set back further than the minimum, the front setback of a proposed principal structure shall be increased to the average of the existing front setbacks of the abutting structures on each side, but in no case shall the required setback be increased to more than fifty (50) feet.
- (d) **Double Lot Frontage.** Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The Zoning Administrator or a designee shall select where the front setback shall be applied and where the rear setback shall be applied in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate.

Sec. 17.0304. Permitted and Conditional Uses

(a) The following key is to be used in the interpretation of Table 17.0304(b) and Table 17.0304(c) below.

- (1) **Permitted Uses.** Uses which are marked as “P” in the tables shall be allowed subject to all applicable regulations of this Chapter.
- (2) **Conditional Uses.** Uses which are marked as “C” in the tables shall be allowed upon the approval of a Conditional Use Permit.
- (3) **Prohibited Uses.** A blank space in the tables indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance.
- (4) **Uses Not Listed.** If a proposed use is not listed in the tables, the Community Development Director or their designee shall determine, through a letter of interpretation as detailed in Section 17.0803(b), if the use is substantially similar to a use listed on the tables. If it is, he or she shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- (5) **Additional Regulation.** If a use has use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses.

(b) Residential District Permitted and Conditional Uses.

Table 17.0304(b) Permitted and Conditional Uses									
Use	Additional Regulation	ER	Rs-1	Rs-2	Rs-3	Rs-4	Rs-5	Rd-1	Rm-1
<i>Residential Uses</i>									
Community Living, 1-15 Persons	17.0403(a)								
Community Living, 16+ Persons	17.0403(a)								
Dwelling, Multifamily Building 9+ units	17.0403(b)								P
Dwelling, Multifamily Building 2-8 units	17.0403(b)								P
Dwelling, Multifamily Complex	17.0403(c)								C
Dwelling, Single Family Attached	17.0403(d)					C		P	P
Dwelling, Single Family Detached	17.0403(e)	P	P	P	P	P		P	P
Mobile Home Park	17.0403(f)						P		
Senior Housing, Assisted Living						C		P	P
Senior Housing, Nursing Care						C		P	P
Senior Housing, Total Life Care									C
<i>Recreational Uses</i>									
Parks and Playgrounds, Private		C	C	C	C	C	C	C	C
Parks and Playgrounds, Public		P	P	P	P	P	P	P	P
Clubhouse	17.0404(a)		C	C	C	C	C	C	P
Community Garden	17.0404(b)		C	C	C	C	C	C	P

Table 17.0304(b) Permitted and Conditional Uses									
Use	Additional Regulation	ER	Rs-1	Rs-2	Rs-3	Rs-4	Rs-5	Rd-1	Rm-1
<i>Retail Uses</i>									
Neighborhood Retail	17.0405(b)		C	C	C	C	C	C	C
<i>Service Uses</i>									
Neighborhood Service	17.0406(b)		C	C	C	C	C	C	C
<i>Lodging Uses</i>									
Bed and Breakfast	17.0407(a)	C	C	C	C	C	C	C	
Short Term Rental	17.0407(b)	P	P	P	P	P	P	P	
<i>Eating / Drinking Uses</i>									
Café	17.0408(a)		C	C	C	C	C	C	C
<i>Public / Institutional Uses</i>									
Essential Service		P	P	P	P	P	P	P	P
Governmental Use, Indoor		P	P	P	P	P	P	P	P
Governmental Use, Outdoor		C	C	C	C	C	C	C	C
School, Private									
School, Public									
Utility, Minor		P	P	P	P	P	P	P	P
Utility, Major		C	C	C	C	C	C	C	C
<i>Accessory Uses</i>									
Accessory, Building	17.04014(a)	P	P	P	P	P	P	P	P
Accessory, Dwelling	17.04014(b)		C	C	C	C			
Accessory, Structure	17.04014(d)	P	P	P	P	P	P	P	P
Bridle Path		P							
Building for the Housing of Horses and other Animals	17.04014(e)	P							
Home Occupation	17.04014(h)	P	P	P	P	P	P	P	P
Keeping and Raising of Horses and other Animals	17.04014(i)	P							
Solar Energy Collection System, Ground Mounted	17.04014(o)	C	C	C	C	C	C	C	C
Solar Energy Collection System, Roof Mounted	17.04014(p)	C	C	C	C	C	C	C	C
Swimming Pool, Private	17.04014(q)	P	P	P	P	P	P	P	P
Sport Court, Private	17.04014(r)	P	P	P	P	P	P	P	P
<i>Temporary Uses</i>									
Car, Truck, and Recreational Vehicle Parking	17.04015(a)	P	P	P	P	P		P	
Construction Related		P	P	P	P	P	P	P	P
Garage / Estate Sale		P	P	P	P	P	P	P	P
Portable Storage Structure	17.04015(e)	P	P	P	P	P	P	P	P
Real Estate Sales or Rental Field Offices		P	P	P	P	P	P	P	P
Model Home		P	P	P	P	P	P	P	P

(c) Nonresidential District Permitted and Conditional Uses.

Table 17.0304(c) Permitted and Conditional Uses											
Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
<i>Agricultural Uses</i>											
Agritourism Related Uses		C									
Aquaculture		P									
Garden Plots for Rent		P									
General Farm Structures		P									
General Farming		P									
Keeping and Raising of Domestic Stock, Commercial	17.0402(a)	P									
Plant Nursery / Greenhouse		P		C	C	C		C	C		C
Solar Energy Collection System, Farm		P							C		
<i>Residential Uses</i>											
Dwelling, Multifamily Above Ground Floor			P	C		P	P				
Dwelling, Single-Family Attached											
Dwelling, Single-Family Detached		P									
<i>Recreational Uses</i>											
Art Gallery / Museum			P	C		P	P			C	
Boat Mooring and Rental / Marina											C
Campground		C									C
Golf Course											C
Golf Course, Miniature						C	C				C
Health, Athletic, or Recreation Facility, Indoor			C	C	C	P	P	C	C	P	C
Health, Athletic, or Recreation Facility, Outdoor						C	C		C	P	C
Parks and Playgrounds, Private		C	C	C	C	C	C			C	C
Parks and Playgrounds, Public		P	P	P	P	P	P			P	P
Shooting / Archery Range, Indoor						P	P	C	C		
Shooting / Archery Range, Outdoor						C	C				
<i>Retail Uses</i>											
Adult Entertainment	17.0405(a)								P		
General Retail, less than 50,000 sqft			P	C		P	P				
General Retail, 50,000 sqft - 100,000 sqft			P			P	P				
General Retail, more than 100,000 sqft			C			C	P				
Grocery Store			C	C		P	P				
Multitenant Shopping Center			P	C		P	P				
Neighborhood Retail	17.0405(b)			P							
Outlot Retail Building	17.0405(c)		P			P	P				
Wholesale						C	P				

Table 17.0304(c) Permitted and Conditional Uses

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Service Uses											
Bank / Financial Institution			P	C	P	P	P				
Day Care Center			P	C	P	P	P			C	
General Service			P	C	P	P	P				
Kennel / Boarding Facility	17.0406(a)					C			C		
Neighborhood Service	17.0406(b)			P	C						
Self Service Laundry / Dry Cleaner						P	P				
Tattoo, Body Piercing, and Body Art Studios						C					
Veterinary Clinic / Animal Hospital	17.0406(c)					C		C	C		
Lodging Uses											
Hotel			P			P	P				
Motel			C			C	C				
Eating and Drinking Uses											
Café	17.0408(a)		P	P	P	P	P				
Mobile Retail Food Establishment/Food Truck Park	17.0408(b)		P	P	P	P	P				
Microbrewery/Winery/Distillery			P			P	P	C	P		
Restaurant, Delivery / Carry Out Only			P	C		P	P				
Restaurant, Fast Casual			P	C		P	P				
Restaurant, Sit Down			P	C		P	P				
Tasting Room, Brewery, Winery, Distillery			P			P	P	P	P		
Vehicle Related Uses											
Autobody Repair						C	C	C	C		
Car Wash						C	C				
Fuel Sales	17.0409(a)					C	C				
Fueling Plaza	17.0409(a)					C	C				
Service Station						C	C				
Vehicle Sales and Rental						C	C	C	C		
Office Uses											
Office, General				C	P	P	P	P	P		
Office, Above Ground Floor			P		P	P	P				
Office, Medical / Dental			P		P	P	P				
Industrial Uses											
Brewery / Winery / Distillery								P	P		
Laboratory								P	P		
Manufacturing, Artisan	17.04010(a)		C			C	C	P	P		
Manufacturing, Heavy									C		

Table 17.0304(c) Permitted and Conditional Uses

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Manufacturing, Light								P	P		
Motor Freight Terminal									C		
Self Storage								C	P		
Warehouse, Distribution, Less than 200,000 sqft									P		
Warehouse, Distribution, 200,000 sqft or Greater									C		
Warehouse, Storage, Less than 200,000 sq ft									P		
Warehouse, Storage, 200,000 sqft or Greater									C		
Medical Uses											
Hospital			C		C	C	C		C	P	
Acute Care Center			C		C	C	C		C	P	
Public / Institutional Uses											
College / University							P	P	P	P	
Essential Service		P	P	P	P	P	P	P	P	P	P
Governmental Use, Indoor		P	P	P	P	P	P	P	P	P	P
Governmental Use, Outdoor		C	C	C	C	C	C	C	C	C	C
Place of Assembly				P		P	P	P	C	P	P
Religious Institution		P								P	P
School, Private		C								C	C
School, Public		P								P	P
Vocational / Employment Training		C					P	P	P	P	
Utility, Minor		P	P	P	P	P	P	P	P	P	P
Utility, Major		C	C	C	C	C	C	C	C	C	C
Accessory Uses											
Accessory, Building	17.04014(a)	P	P	P	P	P	P	P	P	P	P
Accessory, Retail	17.04014(c)							C	C		
Accessory, Structure	17.04014(d)	P									
Donation Drop Box	17.04014(f)									P	
Drive Through	17.04014(g)					C	C				
Home Occupation	17.04014(h)	P	P	P		P	P				
Outdoor Activity / Operation, Permanent	17.04014(j)					C		C	C	C	
Outdoor Dining	17.04014(k)		P	P		P	P				
Outdoor Display / Sale of Merchandise, Permanent	17.04014(l)				C	C					
Outdoor Storage, Permanent	17.04014(m)					C		C	C	C	C
Roadside Stand	17.04014(n)	P									
Solar Energy Collection System, Canopy	17.04014(o)		P			P	P	P	P	P	P

Table 17.0304(c) Permitted and Conditional Uses

Use	Additional Regulation	A-1	DTS	B-2	B-3	B-4	B-6	Lm-1	M-1	I-1	P-1
Solar Energy Collection System, Ground Mounted	17.04014(p)	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	17.04014(q)	P	P	P	P	P	P	P	P	P	P
<i>Temporary Uses</i>											
Carnival		C	P	P		P		P	P	C	C
Circus / Animal Show		C	P	P		P		P	P	C	C
Seasonal Sales	17.04015(b)		P	P		P		P	P		
Construction Related		P	P	P	P	P	P	P	P	P	P
Farmers Market			P	P		P	C	P	P	C	C
Flea Market											
Mobile Retail Food Establishment/Food Truck	17.04015(c)		P	P	P	P	P	P	P	P	P
Outdoor Activity / Operation, Temporary			P	P	P	P		P	P	P	
Outdoor Display / Sale of Merchandise, Temporary	17.04015(d)		P	P		P		P	P	P	

Sec. 17.0305. C-1 Shoreland Wetland Conservancy District Specific Standards.

(a) Permitted Uses.

- (1) Hiking, fishing, swimming and boating, unless prohibited by other laws and ordinances.
- (2) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
- (3) Silviculture (forest maintenance), including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse im-pact on silvicultural activities if not corrected.
- (4) Construction and maintenance of fences.
- (5) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna (animals), flora (plants), topography, or water regimen.
- (6) Aquaculture (the growing of plants and animals in water), provided it does not disturb or impair the natural biota (plants and animals).
- (7) The maintenance, repair, replacement, and reconstruction of existing public streets, roads, bridges and drainageways.

(b) Conditional Uses.

- (1) The Construction of Streets Which Are Necessary for the Continuity of the City Street System, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, provided that:
 1. The street cannot as a practical matter be located outside the conservancy district;
 2. The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in **Section 17.1208(b)** of this Chapter;
 3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

- (2) The Construction and Maintenance of Non-residential Buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with natural resource preservation, provided that:
 1. The building cannot as a practical matter be located outside the conservancy district;
 2. The building is not designed for human habitation and does not exceed five hundred (500) square feet in area; and;
 3. Only limited filling or excavating necessary to provide structural support is conducted.

- (3) The Establishment and Development of Public and Private Parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
 1. Parks shall be limited to passive activities. No ball diamond, tennis court, playfield, playground or other active recreation area shall be constructed in a wetland;
 2. Any private recreation or wildlife habitat area must be exclusively for that purpose;
 3. No filling is to be done; and
 4. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural re-source.

- (4) The Construction and Maintenance of Electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to members and customers located outside of the C-1 district, provided that:
 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and

2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(5) The Construction and Maintenance of Railroad lines, provided that:

1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse im-pacts upon the natural functions of the conservancy area.

(6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.

(c) Prohibited Uses.

- (1) Any use not listed as a permitted use or a conditional use is prohibited unless the C-1 District lands concerned are first re-zoned into another district.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable water are prohibited.

(d) **Conservancy Lands Used for Density Calculation.** Where a lot is located partially within a C-1 Shoreland Wetland Conservancy District and partially within an adjoining use district, that area of the parcel in the C-1 district may be used to meet the minimum lot area requirements; provided that adequate adjacent upland space is available for the structure and related grading.

Sec. 17.0306. FW Floodway District Specific Standards

(a) **Permitted Uses.** The following open space uses are allowed in the floodway district if: they are not prohibited by any other ordinance; they meet the standards in Section 17.0322(c) and Section 17.0322(d); and all permits or certificates have been issued according to Section 17.1050(a):

- (1) Agricultural uses, such as: farming, out-door plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Non-structural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Non-structural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 17.0322(c)(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with Section 17.0322(c) and Section 17.0322(d).

- (5) Extraction of sand, gravel or other materials that comply with Section 17.0322(c)(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flow-age areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30, 31, Stats.
- (7) Public utilities, streets and bridges that comply with Section 17.0322(c)(3).

(b) Standards For Developments in Floodway Areas.

(1) General.

- 1. Any development in floodway areas shall comply with Section 17.0321(f) and have a low flood damage potential.
- 2. Applicants shall provide the following data to determine the effects of the proposal according to Section 17.0321(f)(1):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the pro-posed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
- 3. The permit application shall be denied if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Section 17.0322(c)(1)b. above.

(2) Structures. Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- 1. The structures are not designed for human habitation and do not have a high flood damage potential;
- 2. It must be anchored to resist flotation, collapse, and lateral movement;
- 3. The portions of the structure located below the Regional Flood Elevation must be constructed of flood-resistant materials;
- 4. It must be designed to allow for the automatic entry of flood waters;
- 5. Mechanical and utility equipment must be elevated or flood proofed to or above the Regional Flood Elevation;
- 6. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the Regional Flood; and
- 7. Its use must be limited to parking and/or limited storage.

(3) Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, if:

- 1. Adequate floodproofing measures are provided to the flood protection elevation; and

2. Construction meets the development standards of **Section 17.0321(f)(1)**.
- (4) **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
1. The requirements of **Section 17.0321(f)(1)** are met;
 2. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
 3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 4. The fill is not classified as a solid or hazardous waste material.
 5. Applicable provisions of **Chapter 13** of the Municipal Code are met.
- (5) **Prohibited Uses.** All uses not listed as permitted uses in **Section 17.0322(b)** are prohibited, including the following uses:
1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
 2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code.
 5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
 6. Any solid or hazardous waste disposal sites;
 7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
 8. Any sanitary sewer or water supply lines, except those to service existing or pro-proposed development located outside the floodway which complies with the regulation for the floodplain area occupied.

Sec. 17.0307. FF Floodfringe District Specific Standards

- (a) **Permitted Uses.** Any structure, land use, or development is allowed in the floodfringe district if the standards in [Section 17.0323\(c\)](#) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in [Section 17.1050\(a\)](#) have been issued.
- (b) **Standards For Development in Floodfringe Areas.** [Section 17.0321\(f\)\(1\)](#) shall apply in addition to the following requirements according to the use re-quested.
- (1) **Compensatory Storage.** No development shall be allowed which removes flood storage volume unless an amount not less than a ratio of 1.10:1 of the volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered as providing an equal volume of storage.
- (2) **Residential Uses.** Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;
1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation ex-tending at least 15 feet beyond the limits of the structure and meet the requirements of [Section 17.0323\(c\)\(1\)](#). The Department may authorize other flood-proofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Ap-peals grants a variance;
 2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in [Section 17.0323\(c\)\(2\)d](#).
 4. In developments where existing street or sewer line elevations make compliance with [Section 17.0323\(c\)\(2\)c](#). impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (3) **Accessory Structures or Uses.** Structures accessory to permanent open space uses and less than six hundred (600) square feet in size and valued at less than ten thousand (10,000) dollars may be constructed with its lowest floor no more than two feet below the regional flood elevation, subject

to flood velocities of no more than two feet per second, and shall meet all the provisions of [Section 17.0322\(c\)\(2\)a., b., c., d., e., f., g.](#), and [Section 17.0323\(c\)\(6\)](#). All other accessory structure or use not connected to a principal structure shall be constructed with its lowest floor above the regional flood elevation and shall meet the provisions of [Section 17.0323\(c\)\(1\)](#) and [Section 17.0323\(c\)\(6\)](#).

- (4) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of [Section 17.0323\(c\)\(2\)](#). Subject to the requirements of [Section 17.0323\(c\)\(6\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill meeting the requirements of [Section 17.0323\(c\)\(1\)](#) or other flood proofing measures in [Section 17.1050\(e\)](#). Subject to the requirements of [Section 17.0323\(c\)\(6\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (6) **Storage of Materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with [Section 17.1050\(e\)](#). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (7) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with [Section 17.1050\(e\)](#) to the flood protection elevation;
 2. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (8) **Sewage Systems.** All on-site sewage disposal systems shall be floodproofed, pursuant to [Section 17.1050\(e\)](#), to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (9) **Wells.** All wells shall be floodproofed, pursuant to [Section 17.1050\(e\)](#), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (10) **Solid Disposal Sites.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (11) **Deposition of Materials.** Any de-positied material must meet all the provisions of this ordinance and other pertinent sections of the Municipal Code.
- (12) **Manufactured Homes.** Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file

an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

1. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. have the lowest floor elevated to the flood protection elevation; and
 - b. be anchored so they do not float, collapse or move laterally during a flood.
2. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood-fringe in [Section 17.0323\(c\)\(2\)](#).

(13) **Mobile Recreational Vehicles.** All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in [Section 17.0323\(c\)\(12\)](#). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.