

SUBCHAPTER 28F: EMPLOYMENT DISTRICTS

28.081 EMPLOYMENT DISTRICTS: STATEMENT OF PURPOSE.

Employment districts are established to strengthen and diversify the local economy, expand the local tax base, cultivate an entrepreneurial culture and stimulate job creation. The districts are also intended to:

- (a) Encourage the design of employment centers that are well-connected to transit, bike and pedestrian corridors, regional highways, and nearby housing, civic, commercial and recreational uses.
- (b) Encourage provision of support facilities and services to employment centers.
- (c) Encourage sustainable building and site design.
- (d) Provide adequate buffering and screening for less intensive land uses adjoining industrial or other employment uses.
- (e) Provide adequate screening of outdoor activities and storage from primary streets.

28.082 EMPLOYMENT DISTRICT USES

Table 28F-1 lists all permitted and conditional uses in the residential districts.

- (a) Uses marked as “P” are permitted in the districts where designated.
- (b) Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) Uses indicated as “P/C” may be permitted or conditional, depending on their size and scale, as specified.
- (d) Uses marked with an “A” are allowed when accessory to another allowed use. Some accessory uses are also conditional, depending on their size and scale, as indicated in the table by “A/C”.
- (e) A “Y” in the “Standards” column means that specific standards must be complied with, whether the use is permitted or conditional. Standards are included in Subchapter 28K, Supplemental Regulations.

Key to Table:

TW	Traditional Workplace
SE	Suburban Employment
SEC	Suburban Employment Center
EC	Employment Campus
IL	Industrial - Limited
IG	Industrial - General

Table 28-F1.

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Standards
Offices							
Artist, photographer studio, etc.	P	P	P	P	C	C	Y
Insurance office, real estate office, sales office	P	P	P	P	C	C	Y

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Standards
Professional office	P	P	P	P	C	C	Y
Home occupation	A/C						Y
Limited Production, Processing and Storage							
Artisan workshop	P	C	C		P	P	
Bakery, wholesale	P				P	P	
Bottling plant	C				P	P	
Contractor's storage yard	C				P	P	Y
Junkyard						C	Y
Laboratories - research, development and testing	P	P	P	P	P	P	Y
Limited production and processing	P	P	P	P	P	P	Y
Mail order house	P	P	P	P	P	P	
Printing and publishing	P	P	C	P	P	P	
Recycling collection center, drop-off station	C	C	C	C	P	P	
Storage, indoor personal facility	C	C			C	C	Y
Telecommunication center	C	C	P	P	P	P	
Warehousing and storage	C	C			C	P	
Wholesale establishment	P	P	C		P	P	
Industrial Uses							
Light manufacturing	C	C	C		P	P	
General manufacturing					C	P	
Asphalt, concrete batching or ready-mix plant						C	
Brewery	C				C	P	
Concrete, asphalt and rock crushing facility						C	Y
Extraction of gravel, sand, other raw materials						C	Y
Hazardous waste collection, storage or transfer						C	
Lumberyard					P	P	
Recycling center	C				C	P	Y
Public Utility and Public Service Uses							
Electric power production (principal use)	P	C	C	C	P	P	Y
Electric substations	C	C	C	C	P	P	Y
Gas regulator stations, mixing and gate stations	P	C	C	C	P	P	Y
Sewerage system lift stations	P	P	P	P	P	P	Y
Telecommunications towers and transmission equipment buildings	C	C	C	C	P	P	Y
Water pumping stations, municipal wells	P	P	P	P	P	P	Y
Water towers and reservoirs	C	C	C	C	C	C	Y
Transportation Uses							
Bus or railroad passenger depot	C	C	C	C	C	C	Y
Heliport	A	A	A	A	A	A	Y

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Standards
Railroad or intermodal freight yard					C	P	
Motor freight terminal					C	P	
Railroad transfer and storage tracks					P	P	
Railroad yard or shop					C	P	
Taxi or limousine dispatching, maintenance and storage					C	P	
Transit station, transfer point	P	P	P	P	P	P	Y
Medical Facilities							
Clinic, medical, dental or optical	P	P	P	C			
Hospital		C	C	C			Y
Medical laboratory	P	P	P	P	P	P	
Physical, occupational or massage therapy	P	P	P	C			
Veterinary clinic	P	P	P	C	P		Y
Retail Sales and Services							
General retail	C	C	C	C	C	C	Y
Animal boarding facility, kennel					C	C	Y
Animal grooming, day care	C				C		Y
Auction rooms		C			C	C	
Bank, financial institution	P	P	P	C	P		
Building materials sales					C	C	
Business equipment sales and services	P	P	P	P	P	P	
Drive-through sales and services		A		A	A	A	Y
Dry cleaning plant, commercial laundry	C				P	P	
Farmers' market	P	P	A	P	A	A	Y
Food and related goods sales	C	C					
Furniture and household goods sales	A				A		Y
Garden center, outdoor	C	C					
Greenhouse, nursery					P	P	
Package delivery service		P			P	P	
Photocopying	P	P	P	P	P	P	
Dry cleaning plant, commercial laundry	C				P	P	
Post office	P	P	P	P	P		
Service business	P	P	C	C	C	C	Y
Showroom accessory to allowed use	A	A	A	A	A	A	Y
Small appliance repair	P	P	P	C	P	P	
Food and Beverages							
Catering	P	P	P	C	P	P	
Coffee shop, tea house	P	C	C	C	C	C	Y
Restaurant (including carry-out, deli, etc.)	C	C	C	C	C	C	Y
Restaurant-tavern	C	C	C	C	C	C	Y

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Standards
Tavern (liquor sales >50% gross receipts), brewpub	C	C	C	C	C	C	Y
Outdoor eating area associated with food & beverage establishment	A/C	A/C	A/C	A/C	A/C	A/C	Y
Commercial Recreation, Entertainment and Lodging							
Health/sports club	P	P	P	C	C		
Hotel, inn, motel	C	C	C	C			
Indoor recreation	C	C	A	C			
Lodge, private club, reception hall	C		C	C	C		Y
Theater	C	C	C	C			
Adult Entertainment							
Adult entertainment tavern					P	P	Y
Adult entertainment use					P	P	Y
Automobile Services							
Auto body shop					P	P	Y
Auto service station, convenience market	C	C					Y
Auto repair station	C	C					Y
Car wash	C	C					Y
Motor vehicle salvage						C	Y
Towing and wrecker service business					C	C	Y
Parking, Storage and Display Facilities							
Parking facility, public	P	P	P	P	P	P	Y
Parking facility, commercial	C	C	C	C	C	C	Y
Parking accessory to an allowed use	A	A	A	A	A	A	Y
Parking of trucks and heavy equipment accessory to an allowed use	A	A/C	A/C		A	A	Y
Parking exceeding maximum parking	C	C	C	C	C	C	Y
Outdoor display	C	C	C	C	C	C	Y
Outdoor storage				C	C	P	Y
Residential - Family Living							
Single-family attached dwelling (> 8 dwelling units)	C	C	C				Y
Multi-family building or building complex	C	C	C				Y
Upper story residential units in mixed-use building	C	C	C	C			Y
Live/work unit	C	C	C				Y
Caretaker's dwelling	A	A	A	A	A	A	
Residential - Group Living							
Community living arrangement (> 8 residents)	C						Y
Co-operative housing	C						Y
Civic and Institutional							
College, university	C	C	C	C			Y

Employment Districts							
	TW	SE	EC	SEC	IL	IG	Standards
Counseling, community services organization	C	C	C	C			
Day care center, child or adult; nursery school	P	P	P	P	C	C	Y
Day care, home	A						Y
Jail, correctional facility			C				Y
Parks and playgrounds	P	P	P	P	P	P	
Public safety facilities (fire, police stations, etc.)	P	P	P	P	P	P	
Schools, public and private	C	C	C	C			Y
Schools, arts, technical or trade	C	P	P	C	C	C	Y
Training facilities, military or public safety			C	C	C	C	Y
Agriculture							
Agriculture - Cultivation	P	C	P	P	P	P	
Agriculture - Animal husbandry	C	C	C	C	P	P	
Community garden	P	P	P	P	P	P	Y
Market garden	P	C	C	C	C	C	Y
Accessory Structures							
Emergency electric generator	P	P	P	P	P	P	
Accessory building or structure not exceeding maximum size	P	P	P	P	P	P	
Accessory building or structure exceeding maximum size	C	C	C	C	C	C	
Solar or wind energy systems or devices	P	P	P	P	P	P	
Temporary Uses							
Outdoor sales events (limited number per year)	P	P	P	P	P	P	Y
Portable storage units	P/C	P/C	P/C	P/C	P/C	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	Y

Key to Table:

TW	Traditional Workplace
SE	Suburban Employment
SEC	Suburban Employment Center
EC	Employment Campus
IL	Industrial - Limited

28.083 TRADITIONAL WORKPLACE DISTRICT

[Traditional Workplace areas are the original industrial corridors and centers of the City, typically located along rail lines. Some rail corridors have been converted to recreational and commuter trails while others may support transit in the future, helping to strengthen the viability of surrounding areas as employment centers. Traditional Workplace areas now contain a mix of office, warehouse and industrial uses. Some are planned for redevelopment for more intensive employment use, as well as new uses such as open space, and residential development.]

(1) Statement of Purpose.

The TW District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Workplace locations. The district is also intended to:

- (a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base.
- (b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. Parking shall not be placed between the front façade of a building and the abutting street, with the exception specified below. Parking shall be located to the rear or side of the principal building.
- (b) When an existing landmark building, a contributing building in a historic district, or a building eligible for landmark designation is being enlarged, the above requirement shall not apply.
- (c) All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to a TW district.
- (d) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within five (5) feet of the inner edge of the sidewalk or, if no sidewalk exists, the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner.

(4) Building Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

- (a) Outdoor storage or display. No outdoor storage or display of goods shall be allowed except for the following:
 - 1. Outdoor dining accessory to restaurants, taverns and coffee shops.
 - 2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
 - 3. Automatic teller machines accessory to banks.
 - 4. Landscape and hardware supplies may be displayed outside during business hours.
 - 5. Periodic "sidewalk sales" may be allowed as a temporary use.
- (b) No drive-in or drive-through uses are allowed.

(5) Building Forms.

The following building forms are permitted in the TW District. See Subchapter 28L for design standards and guidelines for building forms.

- (a) Single-Family Attached Building
 - (b) Apartment Building types
 - (c) Carriage House Building
 - (d) Commercial Block Building
 - (e) Parking Building
 - (f) Liner Building
 - (g) Live-Work Building
 - (h) Residential-Commercial Conversion
 - (i) Podium Building
 - (j) Flex Building
 - (k) Industrial Building
- (6) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Traditional Workplace District	
Lot area (sq. ft.)	6,000
Lot width	50
Front yard setback	none (see frontage requirements)
Side yard setback : Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback : other cases	One-story: 5 Two-story: 6 Lot width <40: 10% lot width
Rear yard setback	20
Maximum lot coverage	85%
Minimum height	22 feet measured to building cornice
Maximum height	5 stories/68 feet
Usable open space - residential only	160 sq. ft./unit

- (a) Rear yard height transitions to adjacent residential districts. Where the TW District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.
- (7) Residential Use Requirements.

A primary intent of the TW District is to encourage the continuation of existing employment uses. Residential uses are secondary in importance to those employment uses. Therefore any location proposed for residential uses must be adequately separated or buffered from potential adverse impacts created by existing industrial uses.

- (a) Where residential uses are proposed in an existing building, there shall be no vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition generated by uses in the building that will have an adverse impact on the residential use. New residential uses are not allowed where any such potential nuisances exist.
- (b) New residential buildings are not allowed in locations where vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition generated by existing uses would adversely impact the residential use.

(8) Retail and Service Uses.

Retail and service uses shall not exceed five thousand (5,000) square feet in floor area except as a conditional use.

28.084 SUBURBAN EMPLOYMENT DISTRICT

Suburban Employment areas are characterized by large-floorplate free-standing buildings or building complexes used for office, office-showroom and limited industrial uses, frequently interspersed with large and small free-standing or attached commercial buildings. To date, this pattern of development has been largely auto-oriented: many buildings are surrounded by parking and entrances are oriented toward parking areas. One goal of this district is to foster a more compact and pedestrian-oriented development pattern. Some areas exhibit an auto-oriented pattern today and we can expect some demand for it in the future. However, if there are limited areas mapped for this pattern, someone who wants to develop isolated single-use buildings must request a rezoning.

(1) Statement of Purpose

The SE District is established to encourage a broad range of employment activities, including limited industrial uses conducted within enclosed buildings, while also encouraging shared access, improved landscaping and site design, and bicycle and pedestrian facilities. The district is also intended to:

- (a) Encourage the integration of complementary employment and related uses in an attractive and pedestrian-oriented environment.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. The majority of off-street parking shall be located to the rear or side of the principal building. A maximum of two rows and seventy (70) feet of parking is allowed between the front of the principal building and the street, set back at least twenty-five (25) feet from the front lot line.
 - (b) The building front must be oriented to the primary street. Loading and service areas shall be located at the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an SE district.
 - (c) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner. Parking shall not be placed between buildings and the street in these areas.
- (4) Building Standards: New and Existing Development.
- The following standards apply to new and existing buildings and uses:
- (a) Outdoor storage or display. No outdoor storage or display of goods shall be allowed except for the following:
 - 1. Outdoor dining accessory to restaurants, taverns and coffee shops.
 - 2. Incidental accessory structures at automotive service and repair establishments, such as donation drop-off boxes, ice machines and soda machines.
 - 3. Automatic teller machines accessory to banks.
 - 4. Landscape and hardware supplies may be displayed outside during business hours.
 - 5. Periodic “sidewalk sales” may be allowed as a temporary use.
- (5) Building Forms.
- The following building forms are permitted in the SE District. See Subchapter 28L for design standards and guidelines for building forms.
- (a) Commercial Block Building
 - (b) Parking Building
 - (c) Liner Building
 - (d) Podium Building
 - (e) Flex Building
 - (f) Industrial Building
- (6) Dimensional Standards, Permitted and Conditional Uses.
- Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Suburban Employment District	
Lot area (sq. ft.)	20,000
Lot width	65
Front yard setback	none (see frontage requirements)
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 feet
Maximum lot coverage	75%
Minimum height	22 feet measured to building cornice
Maximum height	5 stories/ <u>68 feet</u> Residential uses: 4 stories/ <u>55 feet</u>
Usable open space – residential only	400 sq. ft./unit

- (a) Rear yard height transitions to adjacent residential districts. Where the SE District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

(7) Retail and Service Uses.

Retail and service uses shall not exceed five thousand (5,000) square feet in floor area except as a conditional use.

28.085 SUBURBAN EMPLOYMENT CENTER DISTRICT.

[This new district is designed to allow the continuing build-out of existing office and research parks that are characterized by large-floorplate free-standing buildings in a park-like environment. These sites are typically designed according to a master plan, with an internal street system, common landscape design, coordinated signage, stormwater management, and often with a trail system and other amenities. Road networks tend to be curvilinear and building entrances are typically oriented toward parking, whether surface or structured.]

(1) Statement of Purpose.

The SEC district is established to recognize existing office and research parks developed in accordance with master plans, and to provide for the continued development of these parks in accordance with their adopted plans. Therefore, the placement of buildings, open space, internal roads and parking within these parks is allowed to remain in its current form. The district is also intended to encourage the integration of complementary employment and related uses in an attractive and functional environment. The district is not intended to apply to new office and research parks.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Development Standards.

The following standards apply to new and existing buildings and uses:

- (a) In the design of any office or research park, consideration shall be given to pedestrian circulation, preservation and linkage of open space areas, location of future buildings, and the clustering of amenities to provide for a planned integrated development.
- (b) Parking design. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety.
 - 1. Off-street parking shall not be located within front or street side yard setbacks, but may be located within rear yard and interior side yard setbacks and the building envelope.
 - 2. Surface parking located in a side or rear yard setback shall be set back a minimum of twenty (20) feet from the boundary of a Residential or Special district.
- (c) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

(4) Building Forms.

The following building forms are permitted in the SEC District. See Subchapter 28L for design standards and guidelines for building forms. Building design standards pertaining to parking placement and design shall not apply within the SEC District.

- (a) Commercial Block Building
- (b) Parking Building
- (c) Liner Building
- (d) Podium Building
- (e) Flex Building
- (f) Industrial Building

(5) Design Review.

All buildings constructed within an SEC district must be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:

- (a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.
- (b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24.

(6) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Suburban Employment Center District	
Lot area (sq. ft.)	1 acre
Lot width	100
Front yard setback	25
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 or 45% of building height (the greater)
Maximum lot coverage	75%
Maximum building coverage	50%
Maximum floor area ratio	1.0
Minimum height	22 feet measured to building cornice
Maximum height	none

28.086 EMPLOYMENT CAMPUS DISTRICT.

[This district is designed to encourage the design of contemporary office and research parks with a more compact and pedestrian-oriented development pattern and more efficient land use than many existing suburban office parks. It incorporates the principles of the Research and Development Center District in the current code.]

(1) Statement of Purpose.

The EC District is established to provide an aesthetically attractive urban working environment intended to promote desirable economic development activities, including high-technology, research and development, testing, and specialized manufacturing establishments, as well as professional offices and business incubators. The district is also intended to:

- (a) Encourage mixed-use development in appropriate locations.
- (b) Provide readily accessible services for employees.
- (c) Improve pedestrian, bicycle and transit connections to and through employment campuses.
- (d) Encourage building and site design that advance the City's sustainability goals.
- (e) Maintain and improve the quality of the natural landscape within employment campuses.
- (f) Provide appropriate transitions to surrounding land uses.
- (g) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building and Site Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. Parking shall not be placed between the front façade of a building and the abutting street. Parking shall be located to the rear or side of the principal building.
- (b) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner.
- (c) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an EC district.

(4) Building and Site Standards: New and Existing Development.

The following standards apply to new and existing buildings and uses:

- (a) All activities shall be conducted within completely enclosed buildings, except for:
 - 1. outdoor dining accessory to restaurants and coffee shops.
 - 2. off-street parking and loading;
 - 3. automatic teller machines;
 - 4. drive-up service windows for banks and financial institutions, as regulated.
- (b) Access to the employment campus shall be from a collector or arterial street.

(5) Building Forms.

The following building forms are permitted in the EC District. See Subchapter 28L for design standards and guidelines for building forms.

- (a) Commercial Block Building
- (b) Parking Building
- (c) Liner Building
- (d) Podium Building
- (e) Flex Building
- (f) Industrial Building

(6) Master Plan.

A master plan for each employment campus must be prepared as part of any rezoning submittal. The plan must be approved by the Plan Commission and include the following:

- (a) A site plan, including:
 - 1. Conceptual plan showing lots and approximate building footprints, parking and service areas
 - 2. Landscape plan and landscape design standards
 - 3. Street layout and street design standards

4. Signage and street graphics standards
5. Stormwater management plan
- (b) Plan submittal and review procedures for individual sites within the campus.
- (c) A parking plan, meeting standards of this chapter for automobile and bicycle parking.
- (d) A Transportation Demand Management Plan, which must also be approved by the Traffic Engineer. The TDM Plan shall be managed by a property owners' association or other entity acceptable to the City. This association shall provide annual reports on the implementation of the TDM Plan to the Traffic Engineer.
- (7) Design Review.
All buildings constructed within an EC district must be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:
 - (a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.
 - (b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24, MGO.
- (8) Dimensional Standards, Permitted and Conditional Uses.
Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Employment Campus District	
Site area (sq. ft.)	5 acres
Lot area (sq. ft.)	20,000
Lot width	75
Front yard setback	none
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 feet
Maximum lot coverage	75%
Minimum floor area ratio (FAR)	0.35 (see A below)
Minimum height	2 stories
Maximum height	none

- (a) For phased development, the minimum FAR for the first phase shall be 0.20. Area used for multi-site or regional stormwater management or for low-impact stormwater management methods shall not be counted as part of the floor area ratio calculation.

28.087 INDUSTRIAL - LIMITED DISTRICT.

[The Industrial - Limited District is similar in character and intent to the existing M1 District, but with an increased emphasis on true industrial uses, rather than the “heavy commercial” uses that have tended to encroach on industrial areas. Commercial uses are intended to be secondary in nature and designed to primarily serve district employees.]

(1) Statement of Purpose.

This district provides for a mix of relatively high-value light manufacturing uses, offices, warehousing, flex-space, limited storage and warehousing, and limited retail and service uses that primarily serve the industrial uses, designed with adequate landscaping and screening, to ensure compatibility with adjoining uses. Industrial districts typically require relatively direct access to the regional highway system, and may require rail or air transportation service. The IL district is also intended to:

- (a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate the development or redevelopment goals of the comprehensive plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. A maximum of two rows of parking stalls, or seventy (70) feet of parking area, shall be placed between the front façade of a building and the front lot line. Parking shall be located to the rear or side of the principal building to the extent feasible.
- (b) Frontage. For buildings at corner locations, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. This requirement applies to the building façade within the first thirty (30) feet from the corner.

(4) Building Standards: New and Existing Development

The following standards apply to new and existing buildings and uses:

- (a) Outdoor storage. Outdoor storage shall be screened according to the standards of Section 28.142(10)(b).
- (b) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IL district.

(5) Building Forms.

The following building forms are permitted in the LI District. See Subchapter 28L for design standards and guidelines for building forms.

- (a) Commercial Block Building

- (b) Flex Building
- (c) Industrial Building
- (d) Parking Building
- (e) Liner Building
- (f) Podium Building
- (6) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Industrial - Limited District	
Lot area (sq. ft.)	20,000
Lot width	75
Front yard setback	none (see frontage requirement)
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 feet
Maximum lot coverage	75%
Maximum height	none

- (a). Rear yard height transitions to adjacent residential districts. Where the IL District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

28.088 INDUSTRIAL - GENERAL DISTRICT.

[General Industrial Districts are similar in character and intent to the existing M2 District, but with an increased emphasis on true industrial uses, rather than the “heavy commercial” uses that have tended to encroach on industrial areas. Commercial uses are intended to be secondary in nature and designed to primarily serve district employees.]

- (1) Statement of Purpose.

This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. General Industrial districts should be located for convenient access for existing and future arterial thoroughfares and railway lines and may be separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required.

The IG district is also intended to:

- (a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.

- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate the development or redevelopment goals of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Building Standards: New Development.

The following standard applies to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. Any standard may be waived by the Plan Commission, following review by the Urban Design Commission, if the constraints of the existing sites and structure(s) make compliance infeasible.

- (a) Parking placement. A maximum of two rows of parking stalls, or seventy (70) feet of parking area, shall be placed between the front façade of a building and the abutting street. Parking shall be located to the rear or side of the principal building to the extent feasible.

(4) Building Standards: New and Existing Development

The following standards apply to new and existing buildings and uses:

- (a) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IG district.
- (b) Outdoor storage and container storage are limited to eighty percent (80%) of the gross floor area of the principal building that uses the storage area. Outdoor storage shall be screened according to the standards of 28.142.
- (c) Outdoor display of merchandise is permitted if accessory to a permanent business located in a permanent structure on site. Outdoor display must be located outside of required setbacks and may occur only during the business hours of the applicable business establishment.

(5) Building Forms.

The following building forms are permitted in the IG District. See Subchapter 28L for design standards and guidelines for building forms.

- (a) Flex Building
- (b) Industrial Building
- (c) Parking Building
- (d) Liner Building
- (e) Commercial Block Building

(6) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

General Industrial District	
Lot area (sq. ft.)	10,000
Lot width	65

Outdoor processing, storage or loading	100 feet from residential district boundary
Front yard setback	none
Side yard setback	15 or 20% building height (the greater); 30 feet from residential district boundary
Rear yard setback	30 feet
Maximum lot coverage	75%
Maximum height	none

- (a) Rear yard height transitions to adjacent residential districts. Where the IG District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

SUBCHAPTER 28G: SPECIAL DISTRICTS

This section contains several distinct districts that are grouped together for convenience in presentation:

- *Agricultural District – an update to the current Agricultural District, with the additional goal of supporting permanent agriculture within City limits;*
- *Urban Agricultural District – a new district designed to encourage and legitimize small-scale farming operations in the urban portions of the City;*
- *Conservancy District – an update to the existing Conservancy District that is focused to a greater degree on land uses compatible with parks and other public and semi-public land;*
- *Campus Institutional District – a new district that is designed to recognize the distinct attributes and existing plans of the City’s college, university and medical campuses;*
- *Airport – a new district designed to recognize the Dane County Regional Airport and cross-reference the County’s height limitations and other standards.*
- *Planned Development District - a new district that combines elements of the existing PCD and PUD with more specific standards and requirements.*
- *Planned Mobile Home Park District - a district that provides for existing mobile home parks, like the existing Planned Community MHP District*

Because these districts are so different in nature, there are no common “General Provisions” in this chapter – each district has distinctive standards.

28.091 SPECIAL DISTRICT USES.

Table 28G-1 lists all permitted and conditional uses in the following districts:

- A: Agricultural District
- UA: Urban Agricultural District
- C: Conservancy District
- AP: Airport District

Uses allowed within the Campus Institutional District are listed separately in Section 28.096.

- (a) Uses marked as “P” are permitted in the districts where designated.
- (b) Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) Uses indicated as “P/C” may be permitted or conditional, depending on their size and scale, as specified.
- (d) Uses marked with an “A” are allowed when accessory to another allowed use. Some accessory uses are also conditional, depending on their size and scale, as indicated in the table by “A/C”.
- (e) A “Y” in the “Standards” column means that specific standards must be complied with, whether the use is permitted or conditional. Standards are included in Subchapter 28K, Supplemental Regulations.

	A	UA	C	AP	Standards
Agricultural and Resource Uses					
Agriculture - Cultivation	P	P	C		Y
Agriculture - Animal husbandry	P	C	C		Y
Agriculture - Intensive	C				Y
Kennel, animal boarding	P				Y
Community garden	P	P	C		Y
Market garden	P	P	C		Y
On-site agricultural retail, farm stand	A	A	A		Y
Selective cutting	P	P	P	P	Y
Clear cutting	C	C	C	C	Y
Civic and Institutional Uses					
Civic auditorium complex			P		
Community center			C		
Day care, home	A				Y
Land and water preserves			P		Y
Parks and playgrounds	P	P	P		
Public safety facilities (fire, police stations, etc.)	P		P	P	Y
Schools, public and private			C		
Schools, arts, technical or trade	C			C	Y
Adaptive reuse of former school or municipal buildings			P		Y
Correctional and medical institutions, government-owned			C		Y
<u>Training facilities, military or public safety</u>				P	
Residential - Family Living					
Single-family detached dwelling	P				Y
Accessory dwelling unit, attached or detached					Y
Caretaker's dwelling	A	A	A		
Offices					
Home occupation	A/C				Y
Professional office				A	
Limited Production, Processing and Storage					
Artisan workshop	C				
Recycling collection center, drop-off station	C				
Public Utility and Public Service Uses					
Electric substations	P	C	C	P	Y
Gas regulator stations, mixing and gate stations	P	C	C	P	Y
Sewerage system lift stations	P	C	C	P	Y
Stormwater management facilities	P	C	C	P	Y
Telecommunications towers and transmission equipment buildings	C	C	C	P	Y
Water pumping stations, water reservoirs	P	C	C	P	Y
Transportation Uses					

	A	UA	C	AP	Standards
Transit stop or station	P	P	P	P	
Airport terminal and related facilities				P	
Airport runways, hangars and related facilities				P	
Medical Facilities					
Veterinary clinic	C				Y
Retail Sales and Services					
Garden center, outdoor	C				
Farmers' market	C	C			Y
Greenhouse, nursery	C				Y
Post office				A	
Food and Beverages					
Catering			A	A	
Coffee shop, tea house			A	A	
Restaurant, carry-out, deli (no liquor sales)			A	A	
Restaurant-tavern			A	A	
Tavern (liquor sales >50% gross receipts), brewpub				A	
Outdoor eating area associated with food & beverage			A		Y
Commercial Recreation, Entertainment and Lodging					
Bed and breakfast establishment	A				Y
Golf course	C		C		Y
Health/sports club				A/C	
Hotel, inn, motel, hostel				A/C	
Indoor recreation				A/C	
Lodge, private club, reception hall			C		
Swimming and tennis clubs, private	C		C		
Automobile Services					
Auto rental facilities					
Parking and Storage Facilities					
Parking facility, public			A/C	P	Y
Parking facility, commercial				C	Y
Parking accessory to an allowed use	A	A	A/C	A	Y
Parking lot (surface) exceeding maximum parking	C	C	C	C	Y
Outdoor storage	A	A/C	A/C	A	Y
Storage of trucks and heavy equipment	A	A/C	A/C	A	Y
Accessory Structures					
Composting/vermiculture facilities accessory to agricultural use	P	P	C		Y
Emergency electric generator	P	C	C	P	Y
Garages, workshop, barns, or other accessory building not exceeding maximum size	P	P	C		Y
Garages, workshop, barns, or other accessory buildings exceeding maximum size	P	C	C		Y

	A	UA	C	AP	Standards
Solar or wind energy systems or devices	P	P	P	P	Y
Temporary Uses					
Portable storage units	C			C	Y
Outdoor sales events (limited number per year)	C	C			Y
Temporary buildings for storage of construction materials and equipment	P	C	P	P	Y
Temporary off-street parking	P		C	C	

28.092 AGRICULTURAL DISTRICT.

[The A District is based upon the current Agriculture District, with an additional emphasis on encouraging local food production and discouraging premature subdivision.]

(1) Statement of Purpose.

Rural agricultural areas designated as such in the Comprehensive Plan are located beyond the current extent of planned City development. These areas are outside the Central Urban Service Area and without current access to municipal sanitary sewer and water service. They are characterized by active farming operations and associated fields, meadows, woodlots and other natural features. Agriculture and other rural land uses also continue to predominate within many areas planned, but not yet developed, for urban uses. These may include relatively large areas that are recommended in adopted City plans to continue in long-term agriculture uses, while urban areas grow around them.

The purpose of this district is to support the continuance of agriculture and rural character within outlying agricultural areas. In addition, the A district is intended to support local food production and community health by encouraging community and market gardens and other small-scale agricultural operations within city limits.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Agricultural District

(3) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Agricultural District		
	Agricultural buildings and uses	All other uses
Lot area (sq. ft.)	5 acres	10 acres
Lot width	300	300
Front yard setback	30	30
Side yard setback	80	80
Rear yard setback	100	100

Maximum height	none	2 stories/35
Maximum lot coverage	n/a	5%

28.093 URBAN AGRICULTURAL DISTRICT.

[The UA District is a new district designed to recognize community gardens and urban-scale farming operations within the City. Community gardens are allowed within most other districts and many agricultural activities are allowed within employment districts.]

(1) Statement of Purpose.

The purpose of this district is to ensure that urban garden and farm areas are appropriately located and protected to meet needs for local food production, and to enhance community health, community education, garden-related job training, natural resource protection, preservation of green space, and community enjoyment. Because urban agriculture will typically exist in close proximity to residential and other uses, concern will be given to ensuring compatibility between uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Urban Agricultural District.

(3) Dimensional Standards, Permitted and Conditional Uses.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Urban Agricultural District	
Lot area (sq. ft.)	15,000 square feet*
Lot width	50 feet
Front yard setback (structures)	15 or the setback of the adjacent district, whichever is greater
Side yard setback (structures)	6 or the setback of the adjacent district, whichever is greater
Rear yard setback (structures)	20 or the setback of the adjacent district, whichever is greater
Maximum height	25 feet
Maximum lot coverage (buildings and paved areas)	15% (excluding greenhouses and hoopouses)
* Lot area of less than 15,000 square feet may be allowed as a conditional use	

(4) Management Plan Required for Certain Activities.

Urban agricultural operations that involve any of the following activities must prepare a management plan that addresses how the activities will be managed to avoid impacts on surrounding land uses and natural systems. The management plan will be reviewed as part of the site plan review process or as part of the conditional use process, as specified below.

- (a) Animal husbandry, (includes keeping of more than four (4) chickens, beekeeping and fish farming);
- (b) Off-street parking of more than 10 vehicles;
- (c) Processing of food produced on site;
- (d) Spreading of manure;
- (e) Application of agricultural chemicals, including fertilizers and pesticides;
- (f) Use of heavy equipment such as tractors.

(5) Conditional Use Approval for Certain Activities.

The following activities as part of an urban agricultural operation require conditional use approval. The management plan required for these activities will address how the activities will be managed.

- (a) Animal husbandry;
- (b) Spreading of manure;
- (c) Spraying of agricultural chemicals, including fertilizers and pesticides;
- (d) Use of heavy equipment such as tractors outside of standard operating hours (7:00 A.M. to 10:00 P.M.)

[The intent of the management plan requirement is to establish a threshold between typical urban agriculture activities and more intensive activities that could impact nearby residents and will require a management plan. The management plan standard will also apply to community or market gardens in other districts, under the Supplemental Regulations section. Note that regulations for some accessory uses such as farm stands and farmers markets are also listed under Supplemental Regulations. There are already regulations for compost bins in the Madison General Ordinances, 7.361. Standards for screening of parking areas are in the General Regulations section of the Zoning Code]

28.094 CONSERVANCY DISTRICT.

[The Conservancy District is updated to simplify the lists of allowed uses and focus the district on public, semi-public, and large private recreational areas such as golf courses. If private areas are proposed for other types of development in the future, rezoning - and possibly Comprehensive Plan amendments - would be required.]

(1) Statement of Purpose.

The Conservancy District is established to recognize and protect the natural functions of certain natural and recreational areas, including large City and County parks, the University of Wisconsin Arboretum, stormwater management areas, golf courses, and similar areas. Development within the district is limited in character in order to protect natural drainageways and water retention areas, natural habitat for plant and animal life, steep slopes, woodlands, and other resources beneficial to the community.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Conservancy District.

(3) Dimensional Standards, Permitted and Conditional Uses

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Conservancy District	
Lot area (sq. ft.)	5 acres
Lot width	300
Front yard setback	30
Side yard setback	80
Rear yard setback	100
Maximum height	2 stories/35
Maximum lot coverage	5%

28.095 AIRPORT DISTRICT.

(1) Statement of Purpose

The purpose of the Airport District is to recognize the Dane County Regional Airport as a major transportation hub with a unique set of land use characteristics, and to accommodate the Airport's transportation and management needs while mitigating any impacts on surrounding land uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Airport District.

(3) Dimensional Standards, Permitted and Conditional Uses

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Airport District	
Lot area (sq. ft.)	20,000
Lot width	65
Front yard setback	20
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 feet
Maximum lot coverage	75%
Minimum height	22 feet measured to building cornice
Maximum height	5 stories/68 feet*

- * The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation also apply within the Airport District and other areas surrounding the airport. Dane County, not the City of Madison, administers these regulations.

28.096 CAMPUS-INSTITUTIONAL DISTRICT.

[The CI District is a new district intended to apply to university and college campuses and major medical institutions, encouraging the use of a campus master plan rather than treating on-campus projects as separate conditional uses.]

(1) Statement of Purpose.

The CI District is established to recognize the City's major educational and medical institutions as important activity centers and traffic generators, accommodate the growth and development needs of these institutions, and coordinate the master plans of these institutions with the City's plans, policies and zoning standards. The district is also intended to:

- (a) Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion;
- (b) Balance the ability of major institutions to change and the public benefits derived from change with the need to protect the livability and vitality of adjacent neighborhoods;
- (c) Encourage the preparation of campus master plans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures.

(2) Master Plan Requirement.

Institutions within CI districts shall create Campus Master Plans that contain the elements listed below. Plans shall be submitted to the Common Council for approval, following review and recommendations by the Plan Commission, using the process listed under *Section __* *[Procedures]*.

- (a) Campus Master Plans, once approved, shall remain effective for ten (10) years, although an update or alteration may be initiated during that time period (see Changes to Master Plan below). Development projects consistent with the Plan will undergo administrative site plan review and final building design review (see below) rather than a conditional use process.
- (b) If a master plan has not been developed or updated for the institution in question, individual development proposals and changes in use that exceed four thousand (4,000) square feet in gross floor area over a five (5) year period will be reviewed as conditional uses, under the procedures of Section 28.183
- (c) In the absence of a master plan, standards for the campus shall be based on the lot area, height, bulk and dimensions of the zoning district that most closely resembles the campus development pattern, based on an evaluation of that development pattern and those of the surrounding area. The Zoning Administrator will determine which zoning districts are applicable.

(3) Uses Within CI Districts.

Uses within CI districts are defined as follows as either principal or secondary. Uses are further defined based on the master plan status of the institution. A master plan must include a list of existing and planned principal and secondary uses within the campus. If no master plan has been prepared, all uses exceeding four thousand (4,000) square feet in gross floor area over a five (5) year period will be considered conditional.

(a) Principal Uses.

- 1. Educational uses associated with colleges, universities, and secondary and primary schools, including classroom buildings, libraries, and offices

2. Medical facilities, including hospitals, clinics, laboratories and related facilities
3. Dormitories, student and/or faculty housing
- (b) Secondary Uses.
 1. Day care facilities
 2. Eating places within mixed-use buildings such as dormitories or student unions
 3. Fraternities and sororities
 4. General retail, financial and personal service uses within mixed-use buildings such as student unions
 5. Indoor and outdoor sports and recreational facilities
 6. Lodging facilities
 7. Museums and art galleries
 8. Parking, structured and surface
 9. Performing arts centers
 10. Places of worship
 11. Utilities and transportation facilities related to the primary use
 12. Veterinary clinics
 13. Agricultural uses
 14. Public utility and service uses
 15. Other uses related to the institution's primary mission
- (4) Contents of Master Plan.

The master plan shall include the following elements and information:

 - (a) Background/History. A summary of previous planning efforts by the institution in conjunction with the City and/or abutting neighborhoods or other interest groups, a description of the campus master planning process and participants, and any other relevant background material.
 - (b) Mission/Guiding Principles. A statement that defines the organizational mission and objectives of the institution and describes the role of the master plan within the context of the mission.
 - (c) Facilities Plan. Includes a description of existing conditions on the campus and the proposed conditions under the Master Plan, including:
 1. Existing Conditions
 - a. Form (building type, height, bulk)
 - b. Building and land uses
 - c. Landmarks, historic sites and districts
 2. Proposed Conditions
 - a. Future needs/capital improvements
 - b. Phasing of proposed improvements

- c. Building Form (general building type, height, bulk, etc.)
- d. Building and land uses
- e. Landscape treatment
- f. Relationship to transportation/access plan (parking, transportation demand management, etc.)

(5) Standards for Master Plan Approval.

The Common Council will approve or reject the master plan following a recommendation by the Plan Commission. Approval of the master plan will be based on the plan's treatment of the topics listed above and the degree to which it meets the intent of this district, as well as the following standards:

- (a) The plan must serve the public interest as well as the interest of the institution developing the plan.
- (b) The plan must be recognize and be consistent with the goals of the Comprehensive Plan and adopted neighborhood, corridor or special area plans adjacent to campus boundaries.

(6) Dimensional Standards.

Because of the integrated mix of uses found in the CI districts, no lot-by-lot dimensional or density standards apply. Building and site placement are determined through the master plan or through individual conditional use processes. Standards for transitions to surrounding areas will be established through the master plan process or as part of the conditional use review process.

(7) Final Building Design Review.

It is expected that campus master plans will identify building location and maximum height, but will not include detailed designs of each building.

All buildings constructed within a CI district must be reviewed and approved by an architectural review committee. The committee shall be established by the institution and shall meet the following standards:

- (a) The building design review standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.
- (b) Membership on the committee, including representation of planning staff and registered neighborhoods, and committee procedures must be approved by the Plan Commission. Committee meetings shall be public.
- (c) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24.

If no master plan is in place, building design review will occur as specified above as part of the conditional use process. Building design review must be completed prior to issuance of a building permit.

(8) Changes to Master Plan.

Once approved, a campus master plan may be modified as follows:

- (a) The Director of Planning and Community and Economic Development may approve minor alterations to an approved master plan, provided that such changes are compatible with the

concept approved by the Common Council. The Director may refer more significant alterations to the Plan Commission for review.

- (b) If a change or addition constitutes a significant alteration of the original plan, the approval process specified in Section 2 above *[review by the Common Council]* shall be followed.

28.097 PLANNED DEVELOPMENT DISTRICT

(1) Statement of Purpose.

The Planned Development District is established to provide a voluntary regulatory framework as a means to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.
- (b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- (c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- (d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- (e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
- (f) Facilitation of high-quality development that is consistent with the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for unique situations and where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed use setting.

Approval of a Planned Development District requires a zoning map amendment, and shall result in the creation of a new site-specific zoning district, with specific requirements and standards that are unique to that planned development.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map change to a PD District are as follows:

- (a) The applicant must demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved. Conditions under which planned development may be appropriate include:

1. Site conditions such as steep topography or other unusual physical features; or
 2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.
- (b) The PD District plan must facilitate the development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.
 - (c) The PD District plan will not adversely affect the economic health of the City or the area of the City where the development is proposed, including the cost of municipal services.
 - (d) The PD District plan will not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns.
 - (e) The PD District plan must coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses.
- (3) Relationship to Other Applicable Regulations.
- (a) In general. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development and to the site plan review standards in Subchapter 28M, except as otherwise provided in this subchapter.
 - (b) Subdivision requirement. All land within a Planned Development District shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Development shall include the necessary information to serve as a preliminary plat.
 - (c) Downtown height regulations. All Planned Developments within the Downtown Districts must comply with the height limits of those districts. *[TBD - similar to current Downtown Design Zones]*
- (4) General Requirements.
- The PD agreement shall identify the following information:
- (a) All proposed land uses; these shall become permitted or conditional uses upon the approval of the Planned Development by the Common Council.
 - (b) Placement of buildings and structures.
 - (c) Density, height, floor area, and dimensional standards for lots.
 - (d) Street layout, including connections to external streets, paths and trails. The PD should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible.
 - (e) Open space and recreational facilities. At least twenty (20) percent of the project area not within street rights-of-way shall be preserved as protected open space. This requirement may be reduced or waived by the Common Council in cases where the physical location or configuration of the site or proximity to existing parks and open space makes the requirement impractical or superfluous. Protected open space shall meet the following requirements:
 1. Open space must be available to the residents, tenants, or customers of the PD for recreational purposes or similar benefits. Land reserved for stormwater management

and other required site improvements shall not be applied to this requirement, unless designed as open space that will meet resident needs.

2. Open space shall be designed to meet the needs of residents of the PD and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
3. Land donated for any public purpose, which is accepted by the City, may be credited towards the open space requirement at the discretion of the Common Council.
4. Where a planned development is to be developed in phases, a portion of the required open space shall be provided in each phase.
5. Maintenance of the open space shall be provided for in the planned development's restrictive covenants and/or the Specific Implementation Plan (SIP) recorded as part of the project.

(5) Procedures.

The procedure for rezoning to a planned development district shall be as required for any other zoning map amendment in this chapter, with the additional requirements specified below.

- (a) Pre-Submittal Requirements. These requirements are intended to provide opportunities for the applicant to explore issues associated with the proposal prior to the expenditure of significant resources in the development of any design plans. This phase shall include the following:
 1. Pre-Design Conference. The applicant shall meet with Planning Division and Zoning staff to review and discuss aspects of the proposal including, but not limited to: the site and its context, potential impacts of the project, and initial design direction.
 2. Concept Presentation. The concept shall be submitted for review by the Urban Design Commission at an informational meeting. No formal action will be taken by the Commission. Submittals shall include contextual information such as topography, photos of the site and surrounding properties, and a discussion of the initial design direction. The Commission will review the concept in reference to the objectives listed in Subsection 28.097(1) and the other requirements of this Subchapter. The Commission may request that additional materials, such as massing models, be submitted to assist in communicating the nature of the site and its context.
- (b) General Development Plan Requirements. The applicants shall file the following with the City Plan Commission:
 1. A letter of intent describing the general character of the intended development.
 2. A description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards.
 3. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.
 4. A plan of the proposed project showing sufficient detail to make possible the evaluation of the standards for approval as set forth in Subsection 2.
 5. Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.
 6. Analysis of potential economic impacts to the community, including the cost of municipal services and any additional infrastructure.

7. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
- (c) Decision on General Development Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section 28.182, with the following additional requirements:
1. The Urban Design Commission shall review the General Development Plan prior to the Plan Commission, and shall make a non-binding recommendation to the Plan Commission, based on consideration of the design objectives listed in Section 28. and the other requirements of this Subchapter.
 2. Approval of the rezoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, However, the plan shall be conditioned upon approval of a specific implementation plan, and shall not allow any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
 3. Approval of the general development plan shall establish interim zoning authority for continuation and maintenance of existing uses, buildings and structures on the property until the specific implementation plan is approved.
 4. If the approved general development plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain general development plan approval.
 5. If the general development plan and specific implementation are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain approvals for each plan.
- (d) Specific Implementation Plan Requirements. The following information shall be submitted to the City Plan Commission, unless specific documents are waived by the Secretary of the Commission:
1. An accurate map of the area covered by the plan including the relationship to the total general development plan.
 2. The pattern of public and private roads, driveways, walkways and parking facilities; traffic projections and mitigation measures.
 3. Detailed lot layout and subdivision plat where required.
 4. The arrangement of building groups, other than single-family residences, and their architectural character.
 5. Sanitary sewer and water mains.
 6. Grading plan and storm drainage system.
 7. The location and treatment of open space areas and recreational or other special amenities.
 8. The location and description of any areas to be dedicated to the public.
 9. Landscape plan and plant list.

10. Proof of financing capability.
 11. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
 12. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
- (e) Decision on Specific Implementation Plan. The decision process, including recommendation by the City Plan Commission and action by the Common Council, shall be as specified in Section 28.182 with the following additional requirements:
1. The Urban Design Commission shall review the Specific Implementation Plan prior to the Plan Commission, and shall make a non-binding recommendation to the Plan Commission, based on consideration of the design objectives listed in Subsection 1 and the other requirements of this Subchapter.
 2. If the Specific Implementation Plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City shall be recorded by the Zoning Administrator within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. This shall be accomplished prior to the issuance of any building permit.
 3. If the Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required.
- (f) Recording of Approved Plans and Zoning Ordinance Amendments.
1. Within twelve (12) months of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council.
 2. Upon receipt of complete plans, documents and fees, the Zoning Administrator shall record them with the Dane County Register of Deeds office. The cost for preparing a facsimile copy of the plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Development District.
 3. If either plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.
 - a. Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve an extension of up to twenty-four (24) months to record either plan.
- (g) Construction Required. Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless a building permit is issued for the project, or an extension is issued as specified below.

1. An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.
 2. If the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the general development plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.
 3. An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council.
 4. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.
- (6) Changes to a Planned Development.
- (a) Minor alteration. The Director of Planning and Community and Economic Development may approve minor alterations to an approved Specific Implementation Plan for a PD, provided that such changes are consistent with the concept approved by the Common Council. The Director may refer more significant alterations to the Plan Commission for review.
 - (b) If a change or addition constitutes a significant alteration of the original plan, the approval process specified in Subsection 5 above shall be followed.

28.098 PLANNED MOBILE HOME PARK DISTRICT.

(1) Statement of Purpose.

The planned mobile home park district is established to provide a regulatory framework for improved environmental design and greater freedom, imagination and flexibility in the establishment and development of mobile home parks, while insuring substantial compliance with the basic intent of the zoning code and the comprehensive plan. This district is further intended to encourage compact and efficient development with relation to public services and to encourage and facilitate the preservation of open spaces.

(2) General Requirements.

A Planned Mobile Home Park District is a specific type of Planned Development District and shall follow the review and approval process specified for the PD District. The general requirements of the PD District for street layout and open space shall be met in any planned mobile home parks established after the effective date of this zoning code.

(3) Permitted Uses.

- (a) Planned mobile home park
- (b) Typical accessory uses such as community buildings and recreational facilities.
- (c) Home occupation
- (d) Adult family home

(4) Conditional Uses.

- A. Community living arrangement, up to 8 residents

(5) Density and Area Standards.

A planned mobile home park shall meet the following requirements:

Planned Mobile Home Park District	
Zoning Lot Area - minimum*	30 acres
Dwelling Units per Acre	6
Average area per mobile home park site (sq. ft.)	4,000
Approved and licensed prior to July 1, 1970 or established and licensed prior to July 8, 1966:	
Dwelling Units per Acre	8
Average area per mobile home park site (sq. ft.)	3,500
* Zoning lot area minimum does not apply to mobile home parks established and licensed prior to July 8, 1966	

SUBCHAPTER 28H: OVERLAY DISTRICTS

This subchapter contains a group of overlay districts that are grouped together for convenience in presentation:

- *Wellhead Protection District – a minimal update of the current district*
- *Wetland District – a conversion of this existing primary district to an overlay in order to aid in updating maps and boundaries; most requirements are state mandates.*
- *Transit Oriented Development District – a new district designed to encourage intensification of uses and densities around proposed transit stations and along high-frequency transit corridors.*
- *Neighborhood Conservation District – a minimal update of the current district; essentially enabling specific “NCDs” to be created.*
- *Historic Preservation Districts – an overlay that links historic districts and landmarks to the regulations in Article 33.*
- *Urban Design Districts – an overlay that links these districts to the regulations in Article 33.*
- *Accessory Dwelling Unit District – a new district that would allow ADUs to be developed if based on a neighborhood plan and standards.*

The Floodplain Districts, which also function as overlay districts, are in the following subchapter because of their length.

All overlay districts share a common relationship to the underlying or “primary” district. If there is a conflict between overlay and primary district requirements, the most restrictive standards usually apply - unless the ordinance states otherwise.

Because these districts are so different in nature, there are few “General Provisions” in this subchapter – each district has distinctive standards. This subchapter has no table of common uses, since the uses are either governed by the underlying district or specified in the overlay district.

28.101 APPLICABILITY.

The requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in the Madison General Ordinances that apply to the primary zoning district classification of those zoning lots.

In the event of a conflict between the provisions of any overlay district and the underlying primary zoning district, the most restrictive standards shall apply, except where otherwise specified.

28.102 WELLHEAD PROTECTION DISTRICTS

(1) Statement of Purpose.

The Common Council of the City of Madison finds that certain uses can seriously threaten or degrade groundwater quality. To promote the public health, safety, and general welfare of the City of Madison, the Wellhead Protection Districts are created to protect municipal water supplies.

(2) Protection Zones.

Each wellhead shall have two (2) zones of protection around it.

- (a) Zone A is the area around the well in which it has been determined that groundwater and potential contaminants will take five (5) years or less to reach the pumping well.
- (b) Zone B is the smaller of the following:

1. The area around the well in which it has been determined that groundwater and potential contaminants will take one hundred (100) years or less to reach the pumping well, or
2. The area within a twelve hundred (1,200) foot radius around the well, except for the area in Zone A.

(3) Uses.

All uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manager or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use.

- A. Permitted Uses In Zones A and B. Any use allowed as permitted in the principal zoning district, except those uses not approved pursuant to Sec. 13.22, Madison General Ordinances
- B. Conditional Uses in Zones A and B. Any use allowed as a conditional use in the principal zoning district except those uses not approved pursuant to Sec. 13.22. All conditional uses are subject to the provisions of Sec. 28.183.

(4) Existing Uses.

Any lawful use existing at the time of the creation of a Wellhead Protection District may be continued, however, no expansion or enlargement of such use is allowed without approval pursuant to Sec. 13.22 by the Water Utility General Manager or his/her designee.

[The remainder of the section consists of specific maps of the districts. Consider placing these in an appendix?]

28.103 WETLAND OVERLAY DISTRICT.

[Much of the wording of the current ordinance is established by state statute. It is modified to redefine the district as an overlay.]

(1) Statement of Purpose.

The Wetland Overlay District is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(2) Map Designation.

The wetland overlay district is shown on the official zoning district maps identified in Subchapter 28B.

(3) Permitted Uses.

The following activities and uses do not require the issuance of a zoning certificate, provided that no wetland alteration occurs:

- (a) Hiking, fishing, trapping, hunting, swimming and nonmotorized boating
- (b) Construction and maintenance of duck blinds

The following activities and uses may involve wetland alterations only to the extent specifically provided below:

- (a) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- (b) The maintenance, repair, replacement and reconstruction of existing highways and bridges, roads, and electric, telephone, water, gas, sewer and railroad lines, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) The replacement and reconstruction of existing publicly-owned radio and television towers, provided that neither the existing nor the replaced or reconstructed tower is in a shoreland, as defined in Section 28.211 *[Definitions]*.

(4) Conditional Uses.

The following conditional uses may be allowed in the Wetland Overlay District, including wetland alterations only to the extent specifically provided below. The Southern District Office of the Wisconsin Department of Natural Resources shall be notified of the conditional use proposal at least ten (10) days prior to the hearing and shall be notified of the City's decision within ten (10) days after the decision is made.

- (a) The construction of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to permitted uses provided that:
 - 1. The road cannot as a practical matter be located outside the wetland;
 - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland;
 - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings provided that:
 - 1. The building is used solely in conjunction with a use permitted in the Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - 2. The building cannot as a practical matter be located outside the wetland;
 - 3. The building does not exceed five hundred (500) square feet in floor area; and
 - 4. No filling, flooding, draining, dredging, ditching, tiling, or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (c) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, game and wildlife preserves, fish and wildlife habitat improvement projects, and public boat launching ramps, provided that:
 - 1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose;

2. Only that filling and excavating which is necessary for the development of public boat launching ramps, public trails, swimming beaches or the construction of park shelters or similar structures is allowed;
 3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the standards in Paragraph 1 above;
 4. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas shall only be for the purpose of improving wildlife habitat or otherwise enhancing wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, provided that
1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland;
 2. Only that filling or excavating which is necessary for such construction or maintenance is allowed; and
 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (e) The construction and maintenance of railroad lines, provided that:
1. The railroad lines cannot, as a practical matter, be located outside the wetland;
 2. Only that wetland alteration which is necessary for such construction or maintenance is allowed; and
 3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (f) The 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.
- (g) The practice of silviculture, including the planting, thinning and harvesting of timber and limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
- (h) The pasturing of livestock and the construction and maintenance of fences for such pasturing including limited excavating and filling necessary for such construction or maintenance.
- (i) The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, draining, dredging, ditching, tiling, or excavating except limited filling and excavating necessary for the construction and maintenance of fences.
- (j) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks, where possible.
- (k) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(5) Prohibited Uses.

Any use not listed in paragraphs (4) or (5) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with para. (8) below and the other requirements of this chapter. 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 waters are prohibited.

(6) Development Approvals.

In the Wetland Overlay District, a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences. An application for a zoning certificate for lands in the Wetland Overlay District shall include the information required for a site plan, as specified in Section 28.186, as well as the specifications and dimensions for any areas of proposed alteration. *[list of required information will appear in appendix for site plan review.]*

(7) Amendment of Wetland Overlay Zoning.

Any amendment to the text or map of the Wetland Overlay District shall comply with the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the Southern District Office of the Department of Natural Resources within 5 days of the referral of the proposed amendment to the Plan Commission;
- (b) All proposed text and map amendments to the Wetland Overlay Zoning regulations shall be referred to the Plan Commission and a public hearing shall be held in accordance with Section 28.182. The Southern District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Section 281.31, Wis. Stats., will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - 1. Storm water and floodwater storage capacity;
 - 2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - 4. Shoreline protection against soil erosion;
 - 5. Fish spawning, breeding, nursery or feeding grounds;
 - 6. Wildlife habitat; or
 - 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (d) Where the Southern District Office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the standards listed above, the Department shall notify the City Clerk of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The Southern District Office of the Department of Natural Resources shall be provided with:

1. A copy of the recommendations and report of the Plan Commission on the proposed text or map amendment within 10 days after the submission of these recommendations to the Common Council; and
 2. Written notices of the Common Council's action on the proposed text or map amendment within 10 days after the action is taken.
- (f) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the standards listed in (C) above, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was mailed to the DNR. If within the 30-day period the DNR notifies the Common Council that it intends to adopt a superseding wetland zoning ordinance for the City under Wis. Stats. §62.231(6), the proposed amendment may not become effective until the ordinance adoption procedure under Wis. Stats. §62.231(6), is complete or otherwise terminated.
- (8) Nonconforming Structures and Uses.
- (a) This subchapter does not prohibit the repair, reconstruction, renovation or expansion of a nonconforming structure in existence on the effective date of this ordinance or amendment or of any environmental control facility in existence on May 7, 1982 related to that structure. Wis. Stats. §62.23(7)(h) shall apply to any environmental control facility that was not in existence on May 7, 1982, but which was in existence on the effective date of this ordinance or amendment. All such work must be done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.
 - (b) If a nonconforming use or the use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of the property or structure shall conform to the requirements of this ordinance.
 - (c) Any legal nonconforming use of property that does not involve the use of a structure and which exists at the time of the adoption or amendment of this ordinance, under Wis. Stats. §62.231 and this chapter may be continued, although such use does not conform with the provisions of this ordinance. However, such nonconforming use may not be extended.
 - (d) The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stat. §30.121.

28.104 TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.

[TOD districts are typically oriented towards fixed-guideway (light rail, commuter rail, streetcar) transit stations. Since commuter rail transit service in Madison is still some years away, many decisions will need to be made about station location and station area planning. The City may also wish to consider whether a district of this type is appropriate for locations along high-frequency transit corridors served by bus. Levels of density/intensity established by the ordinance will differ depending on the type of transit system and the type of station – is it in an urban or suburban location; will it provide commuter parking or serve as an employment or other destinations? Therefore, this draft lays out a master plan process that should guide the mapping and standards of the overlay district. The district should be considered “interim” until more detailed plans are developed.]

- (1) Statement of Purpose.

The TOD District is intended to support investment in and use of public transit. It does this by fostering development that intensifies land use and economic value around transit stations and by promoting a mix of uses that will enhance the livability of station areas.

The district is also intended to:

- (a) Provide increased mobility choices.
- (b) Improve pedestrian connections, traffic and parking conditions;
- (c) Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- (d) Foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

(2) Applicability.

The TOD District is an overlay district that may be applied around an identified transit stop or station, as determined by a station area plan. Boundaries shall be as shown on the zoning map.

(3) Relationship to Other Regulations.

Properties located within a TOD overlay district are subject to the provisions of the primary zoning district and the TOD overlay district. Where the provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall apply.

(4) Prohibited Uses.

The following uses are prohibited in the TOD district:

- (a) Auto body shop
- (b) Auto service station, convenience market
- (c) Auto repair station
- (d) Auto sales or rental
- (e) Car wash
- (f) Storage facility, personal indoor storage

(5) Minimum Intensity and Frontage Use.

The following standards shall apply to new buildings and additions exceeding 50% of the original building's floor area. These standards may be modified or waived based on an adopted station area plan that establishes more specific requirements.

- (a) New buildings shall be a minimum of two (2) stories in height.
- (b) Floor area ratio (FAR) for nonresidential and/or mixed-use buildings shall be a minimum of 1.0. Public gathering spaces, outdoor seating areas and areas for public art may be counted towards building square footage in calculating the minimum FAR. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.
- (c) Where residential uses are proposed, minimum density is fifteen (15) units per acre. Density will be calculated based on the total area of the development site devoted to residential use, including residential units in mixed-use buildings.

1. A new building with less than the required FAR or residential density may be allowed on a developed zoning lot where an existing building will remain, provided that:
 - a. Total lot coverage and FAR for the zoning lot are not reduced; and
 - b. The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.
- (d) A minimum of fifty percent (50%) of ground floor frontage along primary streets shall be designed for retail use, with a floor-to-ceiling height of at least ten (10) feet and with sixty percent (60%) façade transparency between two (2) and eight (8) feet from ground level.
- (e) All parking structures shall be lined with other allowed uses at ground floor level along a minimum of seventy-five percent (75%) of the primary street frontage.
- (6) Multiple Use Requirements.

Development proposals on sites of one (1) or more acres shall include at least three of the following use categories. A minimum of 10% of the proposed gross floor area of the development shall be devoted to each of the use categories that are proposed:

 - A. Residential uses
 - B. Office uses
 - C. Commercial uses (including retail, service, restaurants and lodging)
 - D. Manufacturing and employment uses
 - E. Civic and institutional uses (educational, public, etc.)
- (7) Public Space Requirement.

Development proposals on sites of ten (10) or more acres must set aside a minimum of five percent (5%) of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces, public art, and seating areas. This requirement may be waived in cases where a master development plan already specifies the location and design of open space on the site.
- (8) Parking Standards.

No minimum off-street parking is required, except where parking minimums are specified in a station area plan. Parking maximums established in Subchapter 28J shall apply, except where more specific requirements are established in a station area plan.
- (9) Exemptions.

Where an existing building or its accessory parking does not conform to the TOD overlay district requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this section as long as the expansion does not increase the nonconformity.

28H.105 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS.

[This section incorporates the current NC Districts requirements with only minimal wording changes.]

(1) Statement of Purpose.

Madison is endowed with many distinctive neighborhoods. Recognizing that these neighborhoods contribute significantly to the character and identity of Madison, the City seeks to conserve these

areas as a matter of policy. The Neighborhood Conservation District Ordinance is a means to conserve the essential physical character of these neighborhoods.

By establishing a Neighborhood Conservation District, and tailoring the regulations to the attributes of the built environment that make the place distinctive, neighborhoods can prevent insensitive development, and promote better harmony between new and existing structures. This ordinance enables neighborhoods to conserve and enhance the physical characteristics that come together to produce a distinctive environment.

(2) Applicability.

- (a) The requirements of the Neighborhood Conservation Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.
- (b) In the event of a conflict between the provisions of the Neighborhood Conservation Overlay Districts and the underlying primary zoning district, the provisions of the Neighborhood Conservation Overlay Districts shall apply.

(3) Eligibility Standards.

To be considered for designation as a Neighborhood Conservation District, an area must meet the following minimum standards:

- (a) The proposed area includes at least eight (8) contiguous block-faces or 2,640 lineal feet of contiguous street frontage.
- (b) The proposed area possesses consistent, identifiable built or natural environment characteristics to be conserved.
- (c) At least seventy-five percent (75%) of the lots in the proposed district have been developed with a principal structure for at least twenty-five (25) years.
- (d) The proposed requirements for a Neighborhood Conservation District are consistent with the Comprehensive Plan and existing neighborhood plans.
- (e) The proposed area contains at least one of the following features:
 - 1. Distinctive building attributes: scale, mass, distinctive architectural characteristics, e.g., front porches, height, roof styles.
 - 2. Distinctive land use patterns: mixed uses, parks/open spaces, or unique uses or activities.
 - 3. Distinctive streetscape characteristics: lighting, street layout, materials, and landscaping.
 - 4. Distinctive lot features: lot layouts and sizes, setbacks, alleys, and landscaping.
- (f) A Neighborhood Conservation Overlay District may not be placed in an existing local historic district or Urban Design District.

(4) Designation Process.

- (a) All requests for creation of a Neighborhood Conservation District shall be initiated by a resident, owner, or commercial tenant and shall be submitted to the Director of the Department of Planning and Community and Economic Development.

- (b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Sec. 28.105(3).
- (c) If the proposed Neighborhood Conservation District is consistent with Sec.28.105(3), notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
- (d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.
 - 1. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.
- (e) The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
- (f) A resolution authorizing a Neighborhood Conservation Study shall be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a Neighborhood Conservation Study shall be undertaken.
- (g) A Neighborhood Conservation Study shall explore the feasibility and potential benefits of establishing a Neighborhood Conservation District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district.
 - 1. At the time the Neighborhood Conservation Study is initiated, written notice shall be given to all owners and occupants in the area proposed for study. Because the exact geographic limits of a Neighborhood Conservation District may include properties that were not anticipated to be in the district at the initiation of the study, failure to provide the above notice shall not affect the validity of a Neighborhood Conservation District that is created.
 - 2. The Department of Planning and Community and Economic Development shall maintain a registry of persons interested in future notification regarding a particular Neighborhood Conservation District.
- (h) A Neighborhood Conservation Study shall include:
 - 1. Maps indicating the proposed district boundaries, and the land uses within the proposed district.
 - 2. An identification of the distinctive attributes of the area's built or natural environment to be preserved and enhanced.
 - 3. An evaluation of the extent to which the objectives of the proposed Neighborhood Conservation District may be achieved through the application of a standard zoning district.
 - 4. A list of design requirements for the proposed district that will preserve its distinctive character. In addition to the features in (3)(e), above, requirements may include but are not limited to the following:

- a. Setbacks
 - b. Orientation
 - c. Height and width
 - d. Scale and massing
 - e. Architectural features, including but not limited to fenestration, roof pitch, and building materials.
- (i) Creation of a Neighborhood Conservation Overlay District. If a Neighborhood Conservation District is proposed following the completion of the Neighborhood Conservation Study, it shall include the geographic boundaries, the specific requirements to be used in reviewing development proposals, and may authorize area exceptions for particular requirements. A Neighborhood Conservation District ordinance shall be considered pursuant to the procedures in Sec. 28.182 [*Zoning Map Amendment*].
 - (j) Every twenty (20) years after the effective date of the ordinance, the Department of Planning and Community and Economic Development shall survey the owners, residents, and commercial tenants and report to the Plan Commission and Common Council on the results of the survey and suggested changes to the ordinance.

28.106 HISTORIC PRESERVATION LANDMARK AND DISTRICT OVERLAYS.

[This section references the current standards for historic districts, which are treated as a type of overlay. It combines the general standards for the historic districts, each of which is treated in a different section of Chapter 33.19. Rather than a separate suffix for each historic district -- requiring zoning text amendments each time a district is created -- the HIST suffix would apply to all districts, with the specific requirements in Section 33.19.]

(1) Statement of Purpose and Applicability.

Historic Preservation Landmark and District Overlay requirements are created to further the historic preservation objectives of the Landmarks Commission, as stated in Section 33.19(1), Madison General Ordinances, by identifying zoning lots which are either located within a designated Historic District or which contain a designated landmark, pursuant to the provisions of Section 33.19, Madison General Ordinances.

The appropriate suffix for a designated landmark or Historic District shall be appended to the current and any future zoning district classification of each zoning lot so affected. The suffix shall also be appended to zoning district classifications on Zoning District Maps.

The suffix designation has no effect upon the primary zoning district classification of the zoning lots in question. However, the applicable regulations of Section 33.19 for designated landmarks and for each historic district shall apply to each such zoning lot in addition to the applicable requirements of the Zoning Code.

(2) Designated Landmarks.

The HIST-L suffix applies to all zoning lots on which a designated landmark is located, pursuant to Section 33.19(4) and (6), Madison General Ordinances. The owner of each such zoning lot is notified that the landmark and the landmark site shall be maintained in a condition consistent with the provisions of Section 33.19, in addition to the applicable requirements of the Zoning Code.

(3) Historic Districts.

The HIST suffix applies to historic districts. The owners of zoning lots within those districts are notified that any buildings or other improvements on those lots, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with both the general provisions of Section 33.19 and the specific provisions for the applicable historic district, in addition to all applicable requirements of the Zoning Code.

28.107 URBAN DESIGN OVERLAY DISTRICTS.

[This section is intended to link the urban design districts in Chapter 33 to the Zoning Code as overlay districts, while preserving the review authority of the Urban Design Commission and the design standards for each district.]

(1) Statement of Purpose.

The Urban Design Overlay Districts are established to identify those urban design districts established under the provisions of Section 33.24, Madison General Ordinances within the context of the Zoning Code, and to establish a link between zoning procedures and those of the Urban Design Commission.

(2) Applicability.

The requirements of the Urban Design Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts. Where the provisions of the overlay district conflict with those of the primary zoning district, the provisions of the overlay district shall apply.

(3) Procedures.

The requirements for design review in Section 33.24 shall apply within Urban Design Overlay Districts in addition to any reviews or procedures required under the Zoning Code.

28.108 ACCESSORY DWELLING UNIT OVERLAY DISTRICTS

[This new district grows out of focus group meetings and other research on ADUs. It would function in a manner similar to the Neighborhood Conservation Districts.]

(1) Statement of Purpose.

The ADU Overlay District is created to to enable the establishment of accessory dwelling units within all residential districts. Accessory dwelling units give neighborhoods the opportunity to provide affordable housing opportunities, to provide housing opportunities for elderly or other family members, and to utilize their land base more efficiently.

The district is also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, proportions, building materials, landscaping and similar design features.
- (b) Protect the private environment of rear yards and maintain neighborhood character.

(2) Applicability.

- (a) The requirements of the ADU Overlay District apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.
- (b) In the event of a conflict between the provisions of the ADU Overlay District and the underlying primary zoning district, the provisions of the ADU Overlay District shall apply.
- (3) Minimum Area Required.

To be considered for designation as an ADU Overlay District, an area must include at least eight (8) contiguous block-faces or 2,640 lineal feet of contiguous street frontage.
- (4) Designation Process.
 - (a) All requests for creation of an ADU Overlay District shall be initiated by a resident, owner, or a registered neighborhood association, and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
 - (b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Subsection 3 above.
 - (c) If the proposed area is consistent with the standards in Subsection 3, notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
 - (d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.
 - 1. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.
 - (e) The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
 - (f) A resolution authorizing an ADU District Study may be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a study shall be undertaken.
 - (g) An ADU District Study shall explore the feasibility and potential benefits of establishing an ADU Overlay District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district. This study could also be incorporated into a larger neighborhood planning process or neighborhood plan update process.
 - (h) The accessory dwelling unit study shall include the following:
 - 1. Maps indicating the proposed overlay district boundaries.
 - 2. Design requirements for accessory dwelling units. Design requirements may be based on the suggested requirements in Subsection (6) or may be more or less restrictive.

3. Parking requirements, including a determination of whether additional off-street parking shall be required.
- (i) Creation of an ADU Overlay District. If an ADU Overlay District is proposed following the completion of the study, it shall include the geographic boundaries and the specific requirements to be used in reviewing development proposals. An ADU Overlay District ordinance shall be considered pursuant to the procedures in Sec. 28.182 [*Zoning Map Amendment*].
- (5) Occupancy Requirements.

The following requirements shall apply within all ADU Overlay Districts.

 - (a) The principal dwelling or the accessory dwelling unit must be owner-occupied (temporary absences of up to six (6) months may be allowed).
 - (b) The principal dwelling must be a single-family detached dwelling.
 - (c) The number of occupants of the accessory dwelling unit shall not exceed one (1) family plus one (1) roomer or two (2) unrelated individuals.
 - (d) The accessory dwelling unit shall not be sold separately from the principal dwelling.
- (6) Suggested Design Standards.
 - (a) Maximum height of a detached ADU, including one built above a garage: twenty-five (25) feet (as typically measured to mid-point of pitched roof).
 - (b) Maximum unit size: seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
 - (c) Setback requirements: standards for principal or accessory buildings in the underlying primary district.
 - (d) Usable open space: allow usable open space to be shared between units (i.e., no additional open space required).
 - (e) On corner lots, primary entrances to ADUs shall be placed on the façade parallel to the side street.
 - (f) ADU entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
 - (g) The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
 - (h) For ADUs within a principal building, additional entrances shall not be added to the front elevation of an existing building, but may be added to side or rear or streetside elevations.
 - (i) Exterior finish materials: The exterior finish material must match in type, size and placement, the exterior finish material of the principal dwelling unit.
 - (j) Roof pitch: The roof pitch must match the predominant roof pitch of the principal dwelling unit.
 - (k) Detailing: Trim must match the trim used on the principal dwelling unit. Projecting eaves must match those of the principal dwelling unit.
 - (l) Windows: Windows must match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
- (7) Review Procedures.

Within an ADU Overlay District, individual proposals for accessory dwelling units will be reviewed through the site plan review process, as specified in Section 28.186.

SUBCHAPTER 28I: FLOODPLAIN DISTRICTS

The Floodplain Districts also function as overlay districts, but are placed in a separate subchapter because of their length. This subchapter combines the provisions of two separate sections of the current ordinance, 28.04(20) and 28.105.

All overlay districts share a common relationship to the underlying or “primary” district. If there is a conflict between overlay and primary district requirements, the most restrictive standards usually apply - unless the ordinance states otherwise. Floodplain standards always override the underlying district standards.

28.121 GENERAL PROVISIONS.

(1) Statement of Purpose.

Pursuant to Wis. Statutes sec. 62.23(7), this ordinance is intended to regulate floodplain development to:

- (a) Protect life, health, and property;
- (b) Maximize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damages to public facilities in the floodplains;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i). Discourage development in the floodplain if there is any practicable alternative to locate the activity, use, or structure outside the floodplain.

(2) Areas to be Regulated.

This Subchapter regulates all areas that would be covered by the regional flood or base flood.

(3) Establishment of Districts.

The regional floodplain area is divided into four (4) districts as follows:

- (a) The F1 Floodway District is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The F2 Flood Fringe District is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The F3 General Floodplain District consists of those areas that have been or may be covered by floodwater during the regional flood.
- (d) The F4 Flood Storage District is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) Floodplain Maps.

See Subchapter 28B, Zoning Districts and Maps, for listing of floodplain maps and determination of floodplain boundaries.

(5) Removal of Lands From Floodplain.

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation; the fill is contiguous to land outside the floodplain, and the map is amended.

(6) Warning and Disclaimer of Liability.

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain use areas will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the City of Madison or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(7) General Development Standards.

(a) No development shall be allowed in floodplain areas which will:

1. Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
2. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(b) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles.

(c) The Zoning Administrator shall deny permits where it is determined that the proposed development will obstruct flow or increase regional flood heights 0.01 foot or greater based on the adopted Flood Insurance Rate Map or other adopted map, unless amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles.

(d) All proposed building sites in subdivisions or new developments in flood prone areas shall be reasonably free from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions and all new development shall be reviewed for compliance with the above standards. All proposals (including manufactured home parks) shall include regional flood elevation and floodway data.

(8) Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Southern District Office of the DNR and the appropriate office of FEMA and required the applicant to secure all necessary state and federal permits. The flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with the National

Floodplain Insurance Program guidelines that shall be used to revise the Flood Insurance Rate Map, risk premium rates, and floodplain management regulations as required.

(9) Development Under Chapters 30 and 31, Wis. Stats.

Development which requires a permit from the Department of Natural Resources, under Ch. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed provided the necessary local permits are obtained and necessary amendments are made to the official floodway lines, water surface profiles, base flood elevations established in a flood insurance study, other data from an adopted flood insurance boundary map, floodplain zoning maps, and/or floodplain zoning ordinance.

(10) Nonconforming Uses.

The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the conditions set forth in Section 28.126(2).

(11) Compliance Required.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. sec. 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. sec. 30.2022 applies.

(12) Floodproofing.

- (a) To withstand flood velocities, forces, and other factors associated with the regional flood, floodproofing measures shall be designed that will protect the structure or development to the flood protection elevation and such measures shall be certified by a registered professional engineer or architect.
- (b) All flood-proofing measures shall be designed to:
 - 1. Withstand floor pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - 2. Protect structures to the flood protection elevation.
 - 3. Anchor structures to foundations to resist flotation and lateral movement; and
 - 4. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Flood-proofing measures may include the following:
 - 1. Installation of watertight doors, bulkheads and shutters.
 - 2. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - 3. Use of paints, membranes or mortars to reduce seepage of water through walls.
 - 4. Addition of mass or weight to structures to prevent flotation.
 - 5. Placement of essential utilities above the flood protection elevation.
 - 6. Installation of pumping facilities and/or subsurface drainage systems to relieve foundation wall and basement floor pressures and to lower water levels in structures.
 - 7. Construction of water supply wells and waste treatment systems to prevent the entry of flood waters.

8. Installation of cutoff valves on sewer lines or the elimination of gravity basement drains.

(13) Public or Private Campgrounds.

Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health and Family Services.
- (b) A land use permit for the campground is issued by the zoning administrator.
- (c) The character of the river system and the elevation of the campground is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. d to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred-eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred-eighty (180) days and shall ensure compliance with all the provisions of this section.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than one hundred-eighty (180) consecutive days must meet the applicable requirements in either sub. c. or d. for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(14) Application Requirements for Permits and Zoning Certificates.

- (a) Site Development Plan. Within the Floodplain Districts, all permit applications shall include a site development plan drawn to scale and containing the following information:
 1. Location, dimensions, area and elevation of the lot.

2. Location of the ordinary high-water mark of any abutting navigable waterways.
 3. Location of any structures with distances measured from the lot lines and center line of all abutting streets highways.
 4. Location of any existing or proposed on-site sewage systems or private water supply systems.
 5. Location and elevation of existing or future access roads.
 6. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
 7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD).
 8. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of the Floodway District or the Flood Fringe District apply.
 9. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 28.121(7). This may include any of the information noted in Sec. 28.122(3).
- (b) Data Required to Analyze Developments. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage, for all subdivisions or new developments exceeding five (5) acres in area or where the estimated cost exceeds one hundred twenty-five thousand dollars (\$125,000). The estimated costs of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs. The applicant shall provide:
1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 3. A surface drainage plan showing how flood damage will be minimized.

28.122 F1 FLOODWAY DISTRICT.

(1) Applicability.

The provisions of this section shall apply to all floodway areas on the floodplain zoning maps and to those portions of the F3 General Floodplain District determined to be in the floodway area.

(2) Permitted Uses.

The following open space uses are permitted in the F1 Floodway District:

- (a) Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, including parking and loading areas and airport landing strips.

- (c) Nonstructural recreational uses, including golf course, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching 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.
 - (d) Uses or structures accessory to open space uses or classified as historic structures.
 - (e) Public utilities, streets, and bridges.
 - (f) Extraction or deposition of sand, gravel or other materials.
 - (g) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply within Wis. Stats. Chs. 30 and 31.
- (3) Standards for Developments in Floodway Areas.
- (a) General.
 - 1. Any development in floodway areas shall comply with the provisions of Section 28.121(7) and have a low flood damage potential.
 - 2. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 28.121(7)(a) and (b):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
 - 3. The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subparagraph b. above.
 - (b) Structures. Structures accessory to permitted open space uses, classified as historical areas, or functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:
 - 1. The structures are not designed for human habitation and do not have a high flood damage potential;
 - 2. The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruction to the flow of floodwaters. Structures shall be constructed with the long axis parallel to the direction of flow of floodwaters, and approximately on the same line as adjoining structures;
 - 3. The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - 4. The structures have all service facilities at or above the flood protection elevation.
 - 3. Public utilities, streets and bridges may be allowed by permit, provided that:
 - a. Adequate flood-proofing measures are provided to the flood protection elevation; and
 - b. Construction meets the standards in Sec. 28.121(7)(a) and (b).
 - (c) Fills or deposition of materials may be allowed by permit, provided that:
 - 1. The requirements of Sec. 28.121(7)(a) and (b) are met.

2. No material is deposited in the navigable channel unless a permit has been granted by the Department of Natural Resources pursuant to Ch. 30, Wis. 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 sufficient to prevent erosion; and
4. The fill is not classified as a solid or hazardous material.

28.123 F2 FLOOD FRINGE DISTRICT

(1) Applicability.

The provisions of this section shall apply to all areas within the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area. The F2 Flood Fringe District shall also include the A-zones so designated on the floodplain zoning district maps and for which floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area: Any building, structure or use otherwise allowed as permitted or conditional uses in the underlying primary zoning district, except for mobile home parks and solid waste disposal sites.

(3) Standards for Development in Flood Fringe Areas.

All of the provisions of Sec. 28.121(7)(a) and (b) shall apply in addition to the following requirements according to the use requested.

- (a) Residential Uses. Any structure or building used for human habitation, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards:
 1. The elevation of the lowest floor excluding the basement or crawlway, shall be placed on fill at or above the flood protection elevation (which is a point two feet above the regional flood elevation) except where Subparagraph 2. below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The DNR may authorize other flood-proofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.
 2. The basement or crawlway floor may be placed at the regional flood elevation provided it is flood-proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
 3. Contiguous dry land access, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain except as provided in sub. 4.
 4. In developments where existing street or sewer line elevations make compliance with sub. 3 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 of Natural Resources.
- (b) **Accessory Structures or Uses.**
 1. Except as provided in Subparagraph 2, below, an accessory structure that is not connected to a principal structure shall be constructed with its lowest floor at or above the Regional Flood Elevation.
 2. An accessory structure that is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation, provided that it is subject to flood velocities of no more than two (2) feet per second and that it meets all the provisions in Sec. 28.122(3)(b) and sub. (e) below.
- (c) **Commercial Uses.** Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements for residential uses above. Storage yards, surface parking lots and such uses may be at lower elevations, subject to the requirements of subparagraph E. below provided an adequate warning system exists to protect life and property.
- (d) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, flood walls, or other flood-proofing measures. Subject to the requirements in sub. E below, 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.
- (e) **Storage or Processing of Materials.** The storage or processing of 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 for the particular area or flood-proofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans and:
 1. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are flood-proofed to the flood protection elevation.
 2. Minor roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (g) **Sewage Systems.** All on-site sewage disposal systems shall be flood-proofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.
- (h) **Wells.** All public or private wells shall be flood-proofed to the flood protection elevation and shall meet the applicable provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

- (i) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- (j) Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.
- (k) Manufactured Homes.
 - 1. 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 excavation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - 2. 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.
 - 3. Outside of existing manufactured home parks, including manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the requirements for residential uses in para. (3)(A) above.

28.124 F3 GENERAL FLOODPLAIN DISTRICT.

(1) Applicability.

The F3 General Floodplain District consists of the land which has been or may be hereafter covered by flood water during the regional flood and encompasses both the F1 Floodway and F2 Flood Fringe Districts. The provisions of this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data are available. The F3 General Floodplain district shall include all A-zones so designated on the zoning district maps and for which no floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F3 General Flood Plain District, provided a determination shall be made as to what portion of the floodplain is within the floodway or flood fringe as provided in Sec. 28.121(14)(a)8:

- (a) Uses permitted in the F1 Floodway District are permitted in that portion determined to be within the floodway.
- (b) Uses permitted in the F2 Flood Fringe District are permitted in that portion determined to be within the flood fringe.

(3) Standards for Development in the General Floodplain District.

Once it is determined according to Subdivision (4) below that a proposed use is located within a floodway, the provisions of Subsection 28.122 above shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Subsection 28.123 above shall apply. The rest of this subchapter applies to either district.

(4) Determining Floodway and Flood Fringe Limits.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood-proofing measures.
- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the DNR for evaluation of the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine the boundaries of the floodway:
 - 1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information.
 - 2. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 3. Profile showing the slope of the bottom of the channel or flow line of the stream.
 - 4. Specifications for building construction and materials, flood-proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one copy of the information described in Paragraphs (a) and (b) above to the Southern District office along with a written request for technical assistance to establish regional flood elevations and where applicable, floodway data. Where the provisions of Sec. 28.121(14)(b) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

28.125 F4 FLOOD STORAGE DISTRICT.

(1) Applicability.

The F4 Flood Storage District consists of that portion of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge. The district provides for the protection of the storage areas and assures that development in the storage areas will not cause higher floodplain elevations. The provisions of this section shall apply to all areas within the F4 Flood Storage District and to those portions of the F3 General Floodplain District determined to be in the flood storage area.

(2) Development in Flood Storage District.

- (a) Development in a flood storage district shall not cause an increase equal to or greater than 0.01 of a foot in the height of the regional flood.
- (b) No development shall be allowed that would remove flood storage volume, unless an equal volume of storage, as defined by the predevelopment 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 to provide an equal volume of storage.

- (c) No area in the floodplain may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside the floodplain.
 - (d) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district is rezoned to the flood fringe district.
- (3) Rezoning from Flood Storage District to Flood Fringe District.
- (a) Department of Natural Resources approval of any project that results in an increase in the height of the regional flood shall be secured prior to the submitting of a petition to rezone.
 - (b) The effect of rezoning from the flood storage district to the flood fringe district shall be calculated by comparing the current flood profile to the flood profile determined by assuming that the area to be rezoned is not available to store floodwater.
 - (c) The zoning maps for the flood storage district may not be amended without first amending the applicable portions of the water surface profiles, and floodplain zoning ordinances and securing Department of Natural Resources approval for such amendments.
- (4) Permitted Uses.

Any use permitted in the F1 Floodway District is permitted in the F4 Flood Storage District.

28.126 NONCONFORMING USES.

(1) Applicability.

If these standards conform with section 62.23(7)(h), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) Conditions.

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.
- (b) Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
- (c) The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- (d) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

- (e) The City shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - (f) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(a)3. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph;
 - (g) Except as provided in subparagraph H. below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds fifty percent (50%) of the structure's present equalized assessed value.
 - (h) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 42 USC 4001-4129, or under the regulations promulgated thereunder.
 - (i) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Sec. 28.122(3), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 28.121(12) are used.
- (3) Nonconformities in Floodway District Areas.
- (a) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area unless such addition or modification:
 - 1. Has been granted a permit or variance that meets all ordinance requirements;
 - 2. Meets the requirements of Subchapter 28N. *[Nonconformities]*
 - 3. Will not increase the obstruction to flood flows or regional flood height; and
 - 4. Any addition to the existing structure shall be floodproofed, pursuant to Sec. 28.121(12), by means other than the use of fill, to the flood protection elevation.
 - (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. COMM 83, Wis. Adm. Code.
 - (c) No new well or modification to an existing well, used to obtain potable water, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code.
- (4) Nonconformities in Flood Fringe District Areas.

- (a) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use unless such addition or modification has been granted a permit or variance. In addition, the addition or modification shall be placed on fill or flood-proofed to the flood protection elevation in compliance with the standards for that particular use in Subdivision 28.123(3) above except where Paragraph (b) below is applicable.
- (b) Where compliance with the provisions of Paragraph (a) above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals may grant a variance from those provisions of Paragraph (a) above for additions or modifications using the criteria listed below. Additions or modifications which are protected to elevations lower than the flood protection elevation may be permitted provided:
 - 1. No floor is allowed below the regional flood elevation for structures with residential or commercial uses;
 - 2. Human lives are not endangered;
 - 3. Public facilities, such as water or sewer, will not be installed;
 - 4. Flood depths will not exceed two (2) feet;
 - 5. Flood velocities will not exceed two (2) feet per second; and
 - 6. The structure will not be used for storage of materials described in Sec.28.123(3)E.
- (c) If neither the provisions of Paragraphs (A) nor (B) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
 - 1. Meets all other regulations and will be granted by permit or variance;
 - 2. Does not exceed sixty (60) square feet in area; and
 - 3. In combination with other previous modifications or additions to the building, is equal to or exceeds fifty percent (50%) of the present equalized assessed value of the building.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.
- (5) Nonconformities in General Floodplain Areas.

The requirements of Subsection (2) above apply.
- (6) Nonconformities in Flood Storage Areas.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage district unless the standards in Sec. 28.125(2) are met.