





## Sec. 109-33. – [Shoreland-Wetland] District boundaries.

(a) The shoreland-wetland zoning district includes all wetlands in the City which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this chapter in section 109-32 and which are:

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(2) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter. Floodplain zoning maps adopted in section 109-32 shall be used to determine the extent of floodplain areas.

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(5) a. There shall be a shoreland setback area of at least 50 feet from the ordinary high-water mark, except as provided in subsection b.

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# Sec. 109-34. - [Shoreland-Wetland] Permitted uses.

The following uses are permitted subject to the provisions of Wis. Stat. chs. 30 and 31 and the provisions of other local, State and Federal laws, if applicable:

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(3) Uses which are allowed upon the issuance of a land use and/or building permit and which may include wetland alterations only to the extent specifically provided below:

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- c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- 1. Any private development allowed under this subsection shall be used exclusively for the permitted purpose;
- 2. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

## Sec. 109-35. - [Shoreland-Wetland] Prohibited uses.

- (a) Any use not listed in section 109-34 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with section 109-13.
- (b)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.

#### Sec. 115-280. - Floodway district (FW).

- (a) Applicability. This section applies to all floodway areas on the floodplain zoning maps identified pursuant to section 115-282(1)(d).
- (b) Permitted uses. The following open space uses are allowed in the Floodway District and the floodway area of the General Floodplain District, if they are not prohibited by any other ordinance; they meet the standards in subsections (c) and (d) of this section; and all permits or certificates have been issued:

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- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to subsection (3)d of this section.
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections (3) and (4) of this section.

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- (c) Standards for developments in floodway areas.
- (1) General.
- a. Any development in the floodway shall comply with subdivision III of this article and have a low flood damage potential.

- b. Applicants shall provide the following data to determine the effects of the proposal according to section 115-276:
- 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
- 2. An analysis calculating the effects of this proposal on regional flood height.
- c. Fire Department Division of Fire Prevention and Building Safety shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subsection (3)a.2. of this section.
- (2) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- a. Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage.

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- c. Must be anchored to resist flotation, collapse and lateral movement;
- d. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

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(4) Fills or deposition of materials. Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of section 115-276 are met;
- b. No material is deposited in navigable waters unless a permit is issued by the DNR pursuant to Wis. Stat. ch. 30 and a permit pursuant to section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344 has been issued, if applicable, and the other requirements of this section are met;
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading; and
- d. The fill is not classified as a solid or hazardous material.
- (d) Prohibited uses. All uses not listed as permitted uses in subsection (2) of this section are prohibited, including the following uses:
- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

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#### Sec. 115-281. - Floodfringe district (FF).

Zone AE on the FIRM Map; outside the floodway which is covered by floodwaters during the regional flood and is associated with standing water rather than flowing water.

(1) Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to section 115-282(1)(d).

- (2) Permitted uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in section 115-281(3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates have been issued.
- (3) Standards for development in the Flood-fringe. Section 115-276 shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood-fringe must meet the requirements of section 115-222 Nonconforming Uses;

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- b. Accessory structures or uses.
- 1. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

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e. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation in compliance with the other floodproofing measures in section 115-223(e). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

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