

ZONING ORDINANCE FOR THE CITY OF KENOSHA, WISCONSIN

SECTION 17.0 OVERLAY DISTRICTS

17.01 OVERLAY DISTRICTS

In addition to the restrictions and requirements of the basic district applicable to a particular site, the restrictions of the applicable Overlay District or Districts shall also apply. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.

17.02 FLOODPLAIN FRINGE OVERLAY DISTRICT (FFO)

A. Applicability. This Section applies to all Floodplain Fringe areas shown on the Floodplain Zoning Maps and those identified pursuant to **Section 3.21 D.**

B. Permitted Uses. Any structure, land use or development is allowed in the Floodplain Fringe Overlay District if the standards in **Section 17.02 C.** are met, the use is not prohibited by this or any other Ordinance or regulation and all permits or certificates specified in Section 8.05 have been issued.

C. Conditional Uses/Standards For Development In Floodplain Fringe Overlay Areas. Section 3.20 A. shall apply in addition to the following requirements according to the use requested.

1. Residential Uses. Any habitable structure, including a manufactured/mobile home, which is to be erected, constructed, reconstructed, altered or moved into the Floodplain Fringe Overlay Area shall meet or exceed the following standards:

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15') feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical.

b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection d. below.

d. In developments where existing street or

sewer line elevations make compliance with subsection c. impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

(1) The City 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,

(2) The City has a natural disaster plan approved by the Wisconsin Emergency Management and the Wisconsin Department of Natural Resources.

2. Accessory Structures or Uses.

a. Accessory Structure Not Connected To A Principal Structure. Except as provided in subsection 2.b. below, an accessory structure that is not connected to a principal structure, may be constructed with its lowest floor at or above the regional flood elevation.

b. Accessory Structure Not Connected To A Principal Structure Less Than Six Hundred Square Feet. 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 (\$10,000.00) Dollars, may be constructed with its lowest floor no more than two (2') feet below the regional flood elevation if it is subject to flood velocities of not more than two (2') feet per second and it meets all the provisions of **Sections 3.20 C.2.** and **17.02 C.5.**

3. Commercial Uses. Any commercial structure which is erected, altered or moved into the floodplain fringe area shall meet the requirements of **Section 17.02 C.1.** Subject to the requirements of **Section 17.02 C.5.**, 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.

4. Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodplain fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in **Section 4.03 B.6.** Subject to the requirements of **Section 17.02 C.5.**, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

5. 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

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protection elevation or floodproofed in compliance with **Section 4.03 B.6**. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6. Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans.

a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with **Section 4.03 B.6**. to the flood protection elevation.

b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

7. Sewage Systems. All on-site sewage disposal systems shall be floodproofed pursuant to **Section 4.03 B.6**. to the flood protection elevation and shall meet the provisions of all local Ordinances and Chapter COMM 83, Wisconsin Administrative Code.

8. Wells. All wells shall be floodproofed pursuant to **Section 4.03 B.6**., to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wisconsin Administrative Code.

9. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in Floodplain Fringe Overlay Districts.

10. Deposition of Materials. Any deposited material must meet all the provisions of this Ordinance.

11. Manufactured and Mobile Homes.

a. Owners or operators of all Manufactured and Mobile Home Community shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

b. In existing Manufactured or Mobile Home Communities, all new manufactured or mobile homes, replacement manufactured or mobile homes on existing pads, and substantially improved manufactured or mobile homes, shall:

(1) Have the lowest floor elevated to the flood protection elevation; and,

(2) Be anchored so they do not float, collapse

or move laterally during a flood.

c. Outside of existing Manufactured or Mobile Home Communities, including new Manufactured or Mobile Home Communities and all single units outside of existing parks, all new, replacement and substantially improved manufactured/mobile homes shall meet the residential development standards for the floodplain fringe in **Section 17.02 C.1**.

12. Mobile Recreational Vehicles. Mobile Recreational Vehicles are prohibited within this district.