

set forth in Section 17.0325(b), by at least a ¾ majority vote of the Commissioners present at a meeting, but only if supplemental design elements, reduced density or other improvements, requested by the Plan Commission, are incorporated into the project, which compensate for the modification of this minimum area standard.

Ordinance #2136 A 7/2/01 Sec. 17.0326

SEC. 17.0327 TRADITIONAL NEIGHBORHOOD DEVELOPMENT-PUD

Proposed developments contemplated by an applicant to include design features described as “traditional neighborhood development” in Wisconsin Statutes Sec. 66.1027(1)(c)(1999-2000 Statutes) may be considered for approval at locations determined appropriate by the City under this section as a Planned Unit Development.

A document identified as “A MODEL ORDINANCE FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT”, dated December, 2000, published by the University of Wisconsin Extension pursuant to Wisconsin Statutes sec. 66.1027(2), shall serve as a non-exclusive guidebook to assist in further defining the various aspects of this form of urban design, along with such other sources of guidance the Plan Commission and local governing body may choose to consult.

Ordinance #2170 A 12/18/01 Sec. 17.0327

SEC. 17.0328 LAKEFRONT OVERLAY DISTRICT

The City of Oak Creek (the “City”) borders approximately five miles of Lake Michigan, a navigable body of water.

By virtue of Section 281.31 Wis. Stats., State of Wisconsin adopted the navigable waters protection law to aid in the fulfillment of the state’s role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare in order to establish policies, make plans and authorize municipal shoreland regulations for the efficient use, conservation, development and protection of the state’s water resources.

The purposes of the navigable waters protection law is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.

Pursuant to Wisconsin Statute, Section 281.31, the Department of Natural Resources was directed to

prepare a comprehensive plan, based on the use classification of navigable waters and the shorelands to be governed by the following general standards:

1. Domestic uses shall be generally preferred.
2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
3. Areas in which the existing or potential economic value of public, recreational or similar uses exceeds the existing or potential economic value of any other use shall be classified primarily on the basis of the higher economic use value.
4. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
5. Use dispersions within an area shall be preferred over concentrations of uses of their undue proximity to each other.

The Lakefront Overlay District is intended to fulfill the purposes of Section 281.31 Wis. Stats.

- (a) Applicability. This ordinance applies to all lakefront property which shall be defined as property that borders Lake Michigan and all property, any portion of which, is located within 1,000 feet of the ordinary high water mark of Lake Michigan. The regulations and restrictions in this section shall be in addition to the regulations for the zoning district that applies to any property. The permitted and conditional uses identified in this section shall supercede the listing of permitted and conditional uses for a particular zoning district. For purposes of this action, lakefront developments include any development on lakefront property.
- (b) Permitted uses. None.
- (c) Permitted accessory uses. None.
- (d) Conditional uses.
 - (1) Single Family Dwellings.
 - (2) Two Family Dwellings.
 - (3) Multi Family Dwellings.
 - (4) All permitted and conditional uses in B-1, B-2, B-3, B-4, I-1, and P-1 Districts.
 - (5) Public Utility Power Plants, Substations, and Transmission Towers.
 - (6) Sewerage Treatment Plants.
 - (7) Water Treatment Plants.
- (e) Area and Setback Regulations. The lot area and width, building area and height and setbacks and yards shall be the regulations for the underlying zoning district.

(f) Procedure. The lakefront overlay district shall be subject to the procedural requirements of Section 17.0325(c)(d)(e)(g)(h) and (i).

(g) Plans. In addition to the requirements of Section 17.0325, lakefront developments:

(1) Shall include a plan for lakefront shoreline and bluff stabilization that shall be subject to review and approval of the Plan Commission.

(2) Shall include a plan for public access to the Lake Michigan lakefront including the bluffs overlooking Lake Michigan that shall be subject to review and approval by the Plan Commission.

(3) Shall include as part of the Conditional Use Permit application subject to approval by the Common Council, plans for the following:

a. Final Site Grading including the following:

1. Topographic contours at a 2-foot interval.
2. Property boundaries.
3. Fence lines and types.
4. Underground and above ground utility easements and lines.
5. Wetlands, floodplains, and ordinary high water elevations.
6. Surface water controls.
7. Surface water flow direction arrows.
8. Locations, dimensions, heights of all structures.
9. Areas and largest dimensions of material stockpiles.
10. Exterior treatment of all structures.
11. Parking areas, roadways, paths, rail lines, piers, walkways, and open spaces.
12. Earthwork materials balance analysis and phasing plan.

b. Construction Use of the property with the following site features:

1. Surface water controls.
2. Surface water flow direction arrows.
3. Locations of all construction trailer areas.
4. Areas and largest dimensions of material stockpiles and equipment laydown areas.
5. Parking areas, roadways, paths, rail lines, piers, walkways, and open spaces.

c. Stormwater Management,

d. Storm Sewers,

e. Sanitary Sewers,

f. Water Distribution Systems,

g. Roadways, and

h. Landscaping

in accordance with the procedures and standards in the City's Engineering Design Manual, unless otherwise approved by the Plan Commission and Common Council.

(h) Effect of lakefront overlay district regulations. The regulations set forth in this section for the lakefront shall apply to all lakefront property. The attendant regulations shall exist as an overlay zoning district with the strictest regulations of these districts or the underlying districts prevailing in all cases.

(i) Compliance. No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered and no development shall commence without full compliance with the terms of this section and other applicable regulations.

(j) Severability. If any section, clause, provision or any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

Ordinance # 2227 A 01/07/03 Sec. 17.0328

SEC. 17.0329 GENERAL 27TH STREET OVERLAY DISTRICTS DESIGN STANDARDS.

Coordinated efforts between the City of Oak Creek and the City of Franklin have resulted in the creation of four overlay districts along the 27th Street corridor within Oak Creek. The intent of the 27th Street overlay districts is to allow current permitted uses to maintain their permitted use standing while planning for coordinated development or redevelopment along the 27th Street corridor.

Whether the current use is permitted or special use, does not change based on the overlay district zoning until the specific use changes. At that time the new overlay district zoning and design standards come in effect.

The intent of the design standards is to provide creative ideas, stimulate forward thinking, promote quality design, and preserve designated woodlands and wetlands as well as ensure that the construction of buildings, facilities, and properties are compatible with their surroundings, are attractive, and enhance the corridor and building design and development standards established by the City of Oak Creek. These design standards shall apply to Se. 17.0330 Regional Retail Overlay District, Sec. 17.0331 Mixed-Use/Office/Urban Village Overlay District,