

Development Guidelines for Waterway and Greenway Areas

A. **Purpose and Authority.** The guidelines established herein have been adopted pursuant to the authority granted in Title 18 (Zoning Code) and Chapter 2.64 (City Waterways and Parks Commission) of the Eau Claire Municipal Code and in accordance with the policies and recommendations contained in the Eau Claire Waterway Plan which have been adopted as an official documents of the City's Comprehensive Plan. These guidelines implement official City policy which state that the protection, enhancement, and promotion of the City's waterways is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the community. Established City policy states:

- Building design and site layout in development adjacent to the waterways should enhance the attractiveness of the natural setting and stimulate an appreciation of the waterway's beauty;
- The ultimate land use for the waterway corridor should be open space, recreation, and only that development which permits public access and enjoyment and is physically, visually, and functionally consistent with the goals of waterway revitalization.

To these ends, the guidelines stated herein have been established to protect the aesthetic and visual character of the waterways and greenway system, to enhance and protect water quality and the riparian environment, and promote high quality design and development along these areas.

B. **Applicability.** These guidelines apply to development on properties delineated in Chapter 2.64 for which any zoning variance, site plan, conditional use permit, rezoning, or other matters in which review by the Board of Appeals, Waterways and Parks Commission, Plan Commission, or City Council is required. In addition, administrative decisions of City staff which effect the waterways, greenway, or shoreline shall be made consistent with these guidelines and, whenever possible, in consultation with the Waterways and Parks Commission. These guidelines shall be considered in addition to the provisions established for floodplains and wetlands and those standards specified in Title 18. The approval of such development may include conditions deemed necessary to insure compliance with these guidelines.

C. **Definitions.** The definitions contained in Title 18 and listed below are applicable to these guidelines.

Greenway. Public lands which comprise the open space system abutting the waterways and delineated in the Eau Claire Waterways Plan.

Ordinary High Water Mark (OHWM). The point on a bank of a waterway up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristic. Final determination of the location of the OHWM shall be made by the City Engineer.

Shoreline. Land abutting the waterways extending landward from the OHWM to the floodway boundary or to the top of the bank, whichever is greater.

Waterways. The Chippewa River, Eau Claire River, Sherman Creek, Lowes Creek, Otter Creek, Little Niagara Creek, Hallie Lake, which lie within the City of Eau Claire and Half Moon Lake.

D. Guidelines.

1. Vegetation and Topography. Removal of the existing vegetation along the shoreline and on steep slopes along the waterways can result in severe environmental and aesthetic damage to the waterways and should be avoided as much as practically possible and kept to the minimum necessary for the development to occur. Maintaining the existing vegetation in these areas is important to provide a stable shoreline, protect water quality, keep nutrients from the water, preserve native flora, enhance the appearance of the aesthetic value of the natural environment, and preserve fish and wildlife habitat.

Earthmoving and filling should also be kept to the minimum necessary for the development to occur. Where earthmoving and filling activity is approved, grading, erosion prevention, and vegetation restoration plans will be reviewed by the City Engineer and Parks and Recreation Department to minimize erosion from the site during construction and upon completion of the project. When the use of fill is approved for the development, it is not to contain garbage refuse, any form of contaminated materials, broken asphalt and concrete, tires, and other debris.

The primary means for providing permanent bank stabilization where the vegetation is disturbed is through replanting; however, shorelines subject to severe erosion and shorelines located within the Central Business District and Water Street Commercial District both as defined in the Comprehensive Plan may be developed at an “urban” scale, thus permitting manmade features or structures such as terracing and retaining walls to be used for bank stabilization purposes. Bank stabilization through the use of rip-rapping is permitted, however, not encouraged in these areas. If this method is selected, it must consist of only clean rock material, not materials such as broken concrete and asphalt, tires, and other debris. When rip-rapping must be utilized, it must be minimized in area and scale as much as practically possible and completed with a combination of landscaping and/or terracing to “soften” its appearance along the waterways.

Large trees are an integral element of the natural environment along the waterways and significantly add to the aesthetics of these areas; thus, every effort should be made to maintain existing trees along the shoreline and on steep slopes along the waterways, particularly those which appear to be healthy. For those trees which are retained, it is important that the existing grade elevation and soil at the base be altered as little as possible to ensure their healthy existence. A tree exceeding 6 inches in caliper which is removed should be replaced with a new tree 2 inches or more in caliper.

The provisions on river bank management, plantings, and forest management, contained in the Natural and Cultural Resource Protection Plan within the Waterways Plan dated July 10, 2012, and on file in the office of Community Development, applies and is adopted herein by reference.

2. Drainage. The City will continue to apply and enforce the provisions of its *Surface Water Management Plan* and its WPDES (Wisconsin Pollutant Discharge Elimination System) Municipal

Storm Water Discharge Permit with the Wisconsin Department of Natural Resources throughout the watersheds that drain to the rivers, creeks, and lakes. The City Engineer will determine the required improvements for drainage.

Runoff from rainfall, snow melt, or other activities will be collected on-site and treated with site-appropriate Best Management Practices (BMPs) for pollutant removal prior to discharging into the public storm sewer system. New outfalls on the river and stream banks will be discouraged unless there is not a practical alternative. Best Management Practices may include:

- Ponds to detain and filter runoff before it reaches a stream, natural lake, or wetland
- Rain gardens
- Bio-filtration devices
- Vegetated swales
- Infiltration areas
- Pervious pavement
- Buried storage vaults
- Oil and water separators.

BMPs may also include “good housekeeping” practices to keep pollutants from entering site runoff. These practices may include:

- Covering dumpster or material storage areas to prevent contact with rainfall
- Nutrient management programs to prevent over-use of fertilizers and/or pesticides
- Site designs that minimize paved areas and areas exposed to vehicular traffic.

Storm water may also be captured, cleansed, and released using BMPs located under parking lots.

3. Unique Resources. Every effort should be made to protect the natural topographic and landscape features of a site as well as scenic overlooks, vistas, and historic sites as noted in the Waterways Plan.
4. Orientation. Buildings on sites abutting a waterway or the Greenway will be designed to benefit from that location as well as contribute to the beauty of the waterway environment.

Building features that will be encouraged or considered by the City during the review of site plan applications along the waterways include:

- Equal façade treatment on all sides
- Windows facing the waterway
- Plazas, decks, or balconies toward the water
- Materials such as clay brick, wood, stone, architectural accent metals and low-reflective glass.

Site design and building architecture should allow for the mutual benefit of the private development and the public open space; the design of each should complement the other while providing an apparent demarcation between the two. Means of demarcation may include:

- Horizontal separation
- Elevation differences
- Plantings

- Planted berms
 - Stoops, porches, decks, plazas, or balconies
 - Fences that are 90 percent open (e.g., wrought iron or similar) or low masonry walls.
5. Setback. In order to minimize any adverse effects on the waterway environment and enhance the appearance and image of these areas, it is necessary that development, including structures, parking lots, drives, storage areas, signs, decks, deposition or extraction of materials, etc., be set back from the waterways. Buildings should be set at least 40 feet from the top of bank in order to protect a corridor of trees and other vegetation as well as to soften the view to the building from the water; reductions to this guideline may be granted in the Downtown as outlined in the Waterway Plan. The top of bank will be located by the City Engineer. It is commonly defined as the point at which the slope changes from less than to greater than 20 percent. Parking areas, driveways, public streets, plazas, decks, and similar land improvements may be located at a reduced setback but not less than 10 feet from the top of the bank or greenway. In locations where there is no top of bank, the setback should be at least 50 feet from the Ordinary High Water Mark (OHWM). Where there is publicly owned land along the waterfront (the Greenway) Buildings or other structures should be located no closer than 20 feet from the land-side edge of property line with such land. In addition to the guidelines set forth above, site specific characteristics of a particular property as listed below may dictate additional setback:
- The property abuts an especially scenic or natural portion of the greenway and such setback is essential to preserve these areas;
 - Slope of the area exceeds 12 percent;
 - The property possesses unique or valuable features or resources in which the additional setback is necessary to preserve such features;
 - The Eau Claire Waterway Plan identifies an area as proposed greenway and the additional setback is necessary to allow for the eventual extension of the greenway along that portion of the waterway without conflicting with the proposed development;
 - The floodplain or shoreland/wetland provisions require additional setback;
 - The height or mass of a building which is proposed would have a detrimental impact on the abutting greenway or waterway.

The setback guidelines of this section are not applicable to the structures and facilities identified below since by their nature a setback is not reasonable or practical in most cases. However, this does not waive requirements such as the floodplain or shoreland/wetland provisions.

- a) Publicly related activities by local, state, or federal government such as:
 - Public utility structures and facilities, including bridges, roads, sanitary sewer, storm sewer, and water utility systems, storm sewer outfalls, pumping stations, and dikes
 - Recreational facilities within the greenway, including trails, scenic overlooks, observation platforms, boardwalks, retaining walls, docks, piers, boat ramps, benches, and ancillary items such as parking lots and access drives
 - Signs for streets, historical sites, and the greenway
- b) Other utility and transportation structures and facilities, including railroad tracks, railroad bridges, dams and related structures, above and below ground transmission lines.

- c) Privately owned docks, piers, boat ramps, and stairways.
6. Building Penetration. Land development adjacent to waterways or linear waterfront parks should avoid creating buildings that form a disproportionately long wall parallel to the waterway. View and access points through river corridor development will be designed. Development composed of two or more smaller buildings are favored over a single, very long building in order to allow visual and physical penetration toward the waterway from inland sites. Side yard setbacks prescribed in the existing zoning districts will also mandate a certain degree of building separation, particularly in lower density residential areas.
 7. Landscaping. A landscaped buffer between the greenway and any development is important to minimize potential conflicts between the two uses and promote a high quality, visually pleasing environment. Sites along the waterways will be well landscaped in order to provide a suitable transition to the more natural waterway corridor, to reflect the value of the riparian property, provide natural benefits and generally conform to the City's standard landscaping requirements. The required setbacks described in this plan will receive particular attention especially as needed to soften the views to buildings from the water or to create a visual demarcation between public and private properties.
 8. Screening. Visually objectionable development features such as loading docks, parking lots, overhead doors, trash receptacles, or outdoor storage will be screened from public view by plantings, berms, walls, or fences as prescribed by the Eau Claire Zoning Ordinance. Fences or walls will be combined with plantings to soften their appearance. Coniferous plantings will be included to provide year-round effectiveness and color. Materials and plantings will harmonize with the building and overall site in the following manner:
 - If the greenway or waterway is to abut an active use area such as a parking lot or driveway, hedges, shrubs, berms, or any combination thereof must be provided to separate the active use areas from the greenway. A continuous buffer having a minimum height of 3 feet is necessary to provide such separation.
 - Uses which may be more incompatible with the greenway and waterway environment require greater screening. Such uses and equipment include: trash receptacles, mechanical and utility equipment, truck loading and unloading areas, industrial uses, and open storage areas. Solid fences or retaining walls 6 to 8 feet in height used to provide screening should be constructed with materials that complement and enhance the appearance of the development. It is also important to landscape along the fence or retaining wall to "soften" the appearance of the structure.
 9. Access to the Greenway. Private sites are encouraged to provide pedestrian links to any adjacent multi-use path in the Greenway. Public sidewalks and bicycle paths should also be provided at many locations to the waterfront trails to tie the neighborhoods to the waterfronts.
 10. Exterior Lighting. The design of exterior lighting should complement the development and shall be shielded as per the City's Exterior Lighting Manual standards. Exterior lighting which enables evening utilization of the greenway is encouraged as part of the site improvements for a property.

11. Utility Lines. Utility lines such as telephone, cable, and electric should be placed underground in order to enhance the appearance of the development.
12. Signs. Signs erected along the waterway or greenway can negatively affect the appearance of a development and be incompatible with the natural setting of the waterways. Billboards (off-site outdoor business advertising signs) will not be allowed within 300 feet of the Ordinary High Water Mark of a waterway. If visible from the waterway or Greenway, flashing signs, animated signs, electronic signs, and reader board signs should be at least 300 feet from the Ordinary High Water Mark of a waterway. Business wall signs facing a waterway on parcels abutting the waterway must be approved with a signing plan as set forth in Chapter 16.16 and should be subdued and indirectly lit (not back-lit). Pylon signs will not be allowed between a building and a waterway. The design and location of all other signs should complement the design of the development and preserve the scenic qualities of the area.
13. Visual Access. The Eau Claire community wishes to maintain the image of verdant and naturally forested river valleys, creek corridors, and lake edges. At the same time, it is understood that sustained appreciation for these resources grows, in part, from the ability to view them. Seeing portions of buildings from the water or the opposite shore is not considered inappropriate or objectionable in all instances.

It is acknowledged that urban development along the Chippewa River between Dells Dam and the Clairemont Avenue bridge can, if properly designed, have a high degree of visual compatibility with the river. Therefore, the City will allow judicious thinning and pruning of trees and brush along the waterways in order to create views and glimpses of the water as long as the overall impression of forest is maintained. The City Forester should be consulted prior to undertaking such actions to ensure that bank stability is maintained, native flora is not destroyed, and that it is in compliance with DNR regulations.

- E. **Submittal Requirements.** Any development application for which these guidelines are applicable should be accompanied by information required for a site plan submittal and as necessary to determine that the application is in compliance with the objectives of these guidelines. In addition, the following information should also be provided:
1. Location of the OHWM, floodway boundary, meander line (if applicable), and floodplain boundary on the site plan;
 2. Location of the 50 foot setback from the OHWM or the 40 foot setback from the top of bank;
 3. Description of exterior building materials proposed for all buildings;
 4. General description of the existing shoreline and site vegetation, vegetation proposed for removal, proposed landscape materials, and bank stabilization measures proposed. Existing trees exceeding 6 inches in caliper should be identified by species and shown on the site plan.