

Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948



RESOLUTION No. 12 – 46

DATE: August 22, 2012

INTRODUCED BY: Executive Committee

SYNOPSIS: Declaration Of The Stance Of Juneau County Regarding The Route Of The Badger Coulee Transmission Line, If Any, Running Through Juneau County.

WHEREAS, a proposed resolution on this subject was introduced in the County Board meeting of July 17, 2012, as Resolution No. 12 – 43, and was postponed for further consideration at the Board's regular monthly meeting on August 22, 2012, and the Executive Committee withdraws the aforesaid proposed Resolution No. 12 – 43 and replaces the same with this proposed Resolution 12 - 46; and

WHEREAS, American Transmission Company (ATC) has proposed a 345 kilovolt Badger Coulee Transmission Line that is a complex and highly controversial proposal, and Juneau County is without sufficient means to evaluate this proposal on its merits at this time; and

WHEREAS, ATC has proposed a route corridor for its 345 kilovolt Badger Coulee Transmission Line that would cross through parcels of land within the geologically significant Driftless Area in southern Juneau County; and

WHEREAS, the proposed ATC Badger Coulee Transmission Line would disrupt the area of the County containing millions of years of geological treasure which has previously been protected in 1837 by the Milwaukee Road in completing its rail line through the County and protected again 127 years later with the construction of the Interstate Highway System; and

WHEREAS, the proposed ATC Badger Coulee Transmission Line would cut a wide swath of trees and vegetation, diminish the land views, and negatively impact many private property owners and much public property and settled municipal property; and

WHEREAS, the existing Interstate 90/94 corridor that already runs through Juneau County would be a sensible route for the transmission line, if necessary;

NOW, THEREFORE BE IT RESOLVED, that the Juneau County Board of Supervisors hereby requests that the Public Service Commission of Wisconsin ensure that an impartial and thorough study be conducted as soon as possible regarding the nature of the purported problem the ATC proposed power line is intended to address and an evaluation of all possible reasonable alternative solutions before taking any action on ATC's proposal and that a copy of such studies and evaluations be made available to the Juneau County Board for its consideration; and

BE IT FURTHER RESOLVED, that the Juneau County Board of Supervisors hereby declares that it opposes any route for the ATC Badger Coulee Transmission Line through Juneau County other than through the existing Interstate 90/94 corridor, in the event the transmission line were to be approved on its merits; and

BE IT FURTHER RESOLVED, that the County Clerk is authorized to send this Resolution to the American Transmission Company, the Public Service Commission, and any and all elected and governmental officials nationally and within the state who may be involved with this matter in any substantive way.

INTRODUCED AND RECOMMENDED FOR ADOPTION ON AUGUST 22, 2012.

EXECUTIVE COMMITTEE:

Alan K. Peterson
 Alan K. Peterson, Chairperson

Edward R. Brown III
 Edward R. Brown III

Michael Kelley
 Michael Kelley

Adopted by the County Board of Supervisors of
 Juneau County on August 22, 2012

Kathleen C. Kobylski
 Kathleen C. Kobylski, Juneau County Clerk

Date: 8-22-12	
Resolution # 12-46	
Title: Restriction of the Stance of J.C. Regarding the Route of the Badger Cable Transmission Lines if any Running Through J.C.	
Roll Call:	
Arnold	✓
Brounacker	✓
Brown	✓
Carlson	✓
Feldman	✓
Granger	✓
Kelley	✓
Kolba	✓
Koscal	✓
Lally	✓
Larson	✓
Marchetti	✓
Niles	✓
Robinson	✓
Seamans	✓
Tadda	✓
Waffle	✓
Wenum	✓
Willard	✓
Wollmer	✓
Peterson	✓
AYES 20	
NAY	
ABSENT	

A motion to amend Resolution No. 12-47 as follows:
At the end of the third paragraph which begins "Now
Therefore Be It Resolved," delete the period and add
"except that any request for reclassification initiated
prior to the adoption of this Resolution shall be acted
upon during September, 2012."

Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948



ORDINANCE NO. 12 – 02

DATE: August 22, 2012

INTRODUCED BY: LAND, PARKS, FORESTRY & ZONING COMMITTEE

SYNOPSIS: Adoption of New Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS) And Flood Insurance Study (FIS) And A Revised Floodplain Zoning Ordinance.

WHEREAS, the Juneau County Board of Supervisors on October 16, 2007 enacted the existing Juneau County Floodplain Zoning Ordinance as Chapter 20 of the Juneau County Code of Ordinances; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has revised and published new Flood Insurance Rate Maps and a new Flood Insurance Study for Juneau County; and

WHEREAS, it is required that Juneau County adopt the new maps and study so residents remain eligible for the National Flood Insurance Program; and

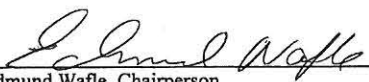
WHEREAS, an appropriate amended ordinance has been drafted by the Juneau County Zoning Department, which is in compliance with the model Floodplain Zoning Ordinance drafted by the Wisconsin Department of Natural Resources, which incorporates the changes in NR116 and FEMA requirements, and which has been approved by the Land, Parks, Forestry & Zoning Committee; and

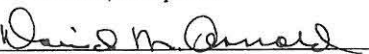
WHEREAS, a public hearing has been held pursuant to Wis. Stats. § 59.95 (5) on August 13, 2012, and the proposed new ordinance, a copy of which is attached consisting of 39 pages, is in the best interests of Juneau County and its citizens;

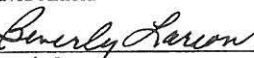
NOW, THEREFORE BE IT RESOLVED AND ORDAINED that the Juneau County Board of Supervisors shall and hereby does adopt the New Flood Insurance Rate Maps (FIRMS) and the Flood Insurance Study (FIS) and hereby does repeal the existing Juneau County Floodplain Zoning Ordinance (Chapter 20) and recreate and enact the attached amended Juneau County Floodplain Zoning Ordinance as Chapter 20 of the Juneau County Code of Ordinances, effective immediately.

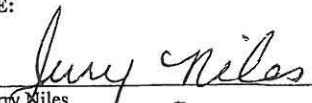

INTRODUCED AND RECOMMENDED FOR ADOPTION ON AUGUST 22, 2012.

LANDS, FORESTRY, PARKS AND ZONING COMMITTEE:

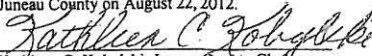

Edmund Waffle, Chairperson


David Arnold


Beverly Larson


Jerry Niles

Margaret Marchetti

Adopted by the County Board of Supervisors of
Juneau County on August 22, 2012.


Kathleen C. Kobylski, Juneau County Clerk

Juneau County Floodplain Zoning Ordinance

TABLE OF CONTENTS

1.0	STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS	2
1.1	Statutory Authorization	2
1.2	Finding of Fact	2
1.3	Statement of Purpose	2
1.4	Title	2
1.5	General Provisions	2
	(1) Areas to be Regulated	2
	(2) Official Maps and Revisions	2
	(3) Establishment of Districts	4
	(4) Locating Floodplain Boundaries	5
	(5) Removal of Lands from Floodplain	5
	(6) Compliance	5
	(7) Municipalities and State Agencies Regulated	5
	(8) Abrogation and Greater Restrictions	5
	(9) Interpretation	6
	(10) Warning and Disclaimer of Liability	6
	(11) Severability	6
	(12) Annexed Areas for Cities/Villages	6
2.0	GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN	6
2.1	Hydraulic and Hydrologic Analyses	7
2.2	Watercourse Alterations	7
2.3	Chapter 30, 31, Wis. Stats., Development	7
2.4	Public or Private Campgrounds	7
3.0	FLOODWAY DISTRICT (FW)	8
3.1	Applicability	8
3.2	Permitted Uses	8
3.3	Standards for Development	9
3.4	Prohibited Uses	11
4.0	FLOODFRINGE DISTRICT (FF)	11
4.1	Applicability	11
4.2	Permitted Uses	12
4.3	Standards for Development	12
5.0	GENERAL FLOODPLAIN DISTRICT (GFP)	14
5.1	Applicability	14
5.2	Permitted Uses	14
5.3	Standards for Development	14
5.4	Determining Floodway/Floodfringe Limits	15
6.0	NONCONFORMING USES	15
6.1	General	15
6.2	Floodway Districts	18
6.3	Floodfringe Districts	19
7.0	ADMINISTRATION	19
7.1	Zoning Administrator	20
7.2	Zoning Agency	25
7.3	Board of Adjustment/Appeals	26
7.4	To Review Appeals of Permit Denials	28
7.5	Floodproofing	29
7.6	Public Information	29
8.0	AMENDMENTS	30
8.1	General	30
8.2	Procedures	31
9.0	ENFORCEMENT AND PENALTIES	31
10.0	DEFINITIONS	31
11.0	FEES	39

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Juneau County, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-

30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Administrator, Juneau County. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS : Based on the by FEMA

Flood Insurance Study (FIS) 55057CV000A
Flood Insurance Rate Map (FIRM) panels:

55057C0020D, 55057C0032D, 55057C0033D,
55057C0034D, 55057C0042D, 55057C0044D,
55057C0051D, 55057C0052D, 55057C0053D,
55057C0054D, 55057C0056D, 55057C0057D,
55057C0058D, 55057C0059D, 55057C0061D,
55057C0062D, 55057C0063D, 55057C0064D,
55057C0066D, 55057C0068D, 55057C0069D,
55057C0081D, 55057C0082D, 55057C0083D,
55057C0084D, 55057C0086D, 55057C0087D,
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55057C0176D, 55057C0188D, 55057C0210D,
55057C0220D, 55057C0230D, 55057C0233D,
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55057C0463D, 55057C0464D, 55057C0470D,
55057C0480D, 55057C0485D, 55057C0490D,
55057C0495D, 55057C0505D, 55057C0507D,
55057C0510D, 55057C0526D, 55057C0527D,
55057C0528D, 55057C0529D, 55057C0536D,
55057C0537D, 55057C0541D, 55057C0543D
FIRM Effective Date: 10/16/2012
FIS: 55057CV000A
FIS Effective Date: 10/16/2012
Approved by: The DNR and FEMA

(b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development:

1. Wisconsin River Flood Study orthophotographic maps prepared by Aero-Metric Engineering, Inc. for Mid-State Associates, Inc. with corresponding profiles that are based on the Flood Insurance Study (FIS) approved on September 18, 1991.

Approved by: The DNR and FEMA

2. Partridge Lake Dam Failure Analysis, Completed by Vierbicher Associates, Inc. in 1993.
3. Floodplain Study information: All DNR and FEMA approved floodplain maps flood profiles, floodway data table, regional or base flood elevations and other information. The community shall provide the most up to date information to the DNR and FEMA regional office.
4. Other floodplain maps approved by the DNR and FEMA and adopted by the Juneau County Board of Supervisors after the effective date of this Ordinance.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway

boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(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 feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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 s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed

restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) **INTERPRETATION**

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) **WARNING AND DISCLAIMER OF LIABILITY**

The flood protection standards in this ordinance are based on engineering experience and 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 uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) **SEVERABILITY**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) **ANNEXED AREAS FOR CITIES AND VILLAGES**

The Juneau County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to

reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- (1) No floodplain development shall:
- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) 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;

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 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 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;
- (11) 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; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;

- they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (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 the fill limitations of s. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - (6) 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 with chs. 30 and 31, Stats.
 - (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

- (a) Any development in the floodway shall comply with s. 2.0 and have low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c):
 2. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 3. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator 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 subd. (b) above.

(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: