

ARTICLE C

Floodway District (FW)

SEC. 13-3-22 APPLICABILITY.

The provisions of this Article shall apply to all areas within the Floodway District, as shown on the official floodplain zoning maps, and to the floodway portion of the General Floodplain District, as determined pursuant to Section 13-3-43 of this Chapter.

SEC. 13-3-23 PERMITTED USES.

The following open space uses are permitted within the Floodway District and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other ordinance and provided further that they meet all of the standards contained in Section 13-3-22, and all permits or certificates have been issued according to Article G.

- (a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing strips.
- (c) Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, *subject to the fill limitations of 13-3-22(d)*.
- (d) Uses or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions of Sections 13-3-22 and 13-3-23.
- (e) Extraction of sand, gravel or other materials pursuant to Sec. 13-3-22(d).
- (f) Docks, piers or wharves, including docks, piers or wharves used as part of a marina, and other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Chapters 30 and 31, Wis. Stats.
- (g) Public utilities, streets and bridges, according to Sec. 13-3-22(c).

SEC. 13-3-24 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS.

(a) GENERAL REQUIREMENTS.

- (1) Any development in floodway areas shall:
 - a. Meet all of the provisions of Section 13-3-18; and
 - b. Have a low flood damage potential.
- (2) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 13-3-18(a):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator shall deny the permit application where there is

determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection 13-3-22(a)(2) above.

- (b) **STRUCTURES.** Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a water-front location, may be allowed by permit, providing the structures meet all of the following criteria:
- (1) The structures are not designed for human habitation *and do not have a high flood damage potential*;
 - (2) The structures are designed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;
 - (3) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (4) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for that particular area.
 - (5) *The portions of the structure located below the Regional Flood Elevation must be constructed of flood-resistant materials and;*
 - (6) *It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the Regional Flood.*
- (c) **UTILITIES.** Public utilities, streets and bridges provided that:
- (1) Adequate flood-proofing measures are provided to the flood protection elevation;
 - (2) Construction does not cause an increase in the regional flood height according to Sec. 13-3-18(a), except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulted from such construction.
- (d) **FILLS.** Fills or deposition of materials may be permitted provided that:
- (1) The requirements of Section 13-3-18(a) are met;
 - (2) The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion; and provided that
 - (4) Such fills are not associated with private or public solid waste disposal. *The fill is not classified as a solid or hazardous material.*

SEC. 13-3-25 PROHIBITED USES.

All uses not listed as permitted uses in Sec. 13-3-21 are prohibited within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway:

- (a) Structures designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses;
- (b) Storage of any materials that are capable of floating, flammable, explosive or injurious to

- property, water quality or human, animal, plant, fish or other aquatic life;
- (c) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
 - (d) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter ~~ILHR~~ *COMM* 83, Wisconsin Administrative Code;
 - (e) All public or private wells which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local ordinances and Chapters *NR 811* and *NR 812*, Wis. Adm. Code;
 - (f) All solid and hazardous waste disposal sites, whether public or private;
 - (g) All waste water treatment ponds or facilities except those permitted under Sec. *NR 110.15(3)(b)*, Wis. Adm. Code;
 - (h) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

SEC. 13-3-26 THROUGH SEC. 13-3-31 RESERVED FOR FUTURE USE.