

ORDINANCE NO.: 4955

AN ORDINANCE to amend various sections of Chapter 109 of the Code of Ordinances of the City of La Crosse relating to shoreland-wetland zoning.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 109-2 is hereby amended to add or amend the following definitions, with the remaining definitions unchanged:

Sec. 109-2. - Definitions.

Principal building means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

Shoreland setback area means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited

Shorelands means lands within the following distances from the ordinary high-water mark of navigable waters; as defined under Wis. Stat. 281.31 (2) (d):

- (1) 1,000 feet from a lake, pond or flowage; ~~and~~
- (2) 300 feet from a river or stream or to the landward side of the floodplain, whichever is greater.

Structure means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

SECTION II: Section 109-4 is hereby amended to read as follows:

Sec. 109-4. - Statutory authorization.

This chapter is adopted pursuant to the authorization in Wis. Stat. §§ 62.23, 62.231, 62.233, 87.30, and 281.31(1).

SECTION III: Section 109-7(a) is hereby amended to read as follows:

Sec. 109-7. - Compliance.

- (a) The use of wetlands, and the alteration of wetlands within the shoreland area of the City, shall be in full compliance with the terms of this chapter and other applicable local, State, or Federal regulations. (However, see section 109-44 20 for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a land use and/or building permit unless otherwise expressly excluded by a provision of this chapter.

SECTION IV: Section 109-17(b)(2)e is hereby amended to read as follows:

Sec. 109-17(b)(2) Site development plan.

- e. Location and boundaries of all wetlands and shorelands; this includes marking the wetland/shoreland setback line on the property;

SECTION V: Section 109-20(6) is hereby created to read as follows:

Sec. 109-20. - Nonconforming structures and uses.

(6) Nothing in this section prohibits the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a nonconforming structure if the activity does not expand the footprint of the nonconforming structure.

SECTION VI: Section 109-33(a)(5) is hereby created to read as follows:

Sec. 109-33. - District boundaries.

(a) The shoreland-wetland zoning district includes all wetlands in the City which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this chapter in section 109-32 and which are:

- (5) a. There shall be a shoreland setback area of at least 50 feet from the ordinary high-water mark, except as provided in par. b.
b. A provision authorizing construction or placement of a principal building within the shoreland setback area established under par. a. if all of the following apply:
1. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 2. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

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

SECTION IV: This Ordinance shall take effect upon its enactment.

Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, Clerk

Passed: 10/13/16
Approved: 10/18/16
Published: 10/22/16

CERTIFICATE OF CITY CLERK

This Ordinance is approved notwithstanding the failure of the Mayor to affix his signature thereto by virtue of the provisions of Sec. 62.09(8), Wis. Stats.

_____/s/_____
Teri Lehrke, Clerk