

ORDINANCE

SUBJECT: SHORELAND ZONING

COMMITTEE: PLANNING, RESOURCE AND DEVELOPMENT

FIRST CONSIDERATION: March 21, 2019

FINAL CONSIDERATION: April 16, 2019

ORDINANCE # 174 – 4/19 PUBLICATION DATE April 25, 2019

The County Board of Supervisors of La Crosse County does ordain as follows:

**AN ORDINANCE TO AMEND CHAPTER 20 ENTITLED "SHORELAND ZONING" OF THE
GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

ANALYSIS

Chapter 20, Shoreland Zoning, was repealed and recreated in 2017. After further review by the Wisconsin DNR, the following minor corrections need to be made:

1. Clarification in definition of "impervious surface" to address decks, stairways and walkways.
2. Clarification in definition of "ordinary high water mark" made by correcting reference to the Appendix which contains the information.
3. Correction of website address for location of Shoreland-Wetland maps.
4. The ditch bank of agriculture drainage systems in the shoreland zoning area must now have 35 foot wide buffer strip of untilled, ungrazed sod cover vesus 10 feet.
5. Clarifies that structures that are older than ten years and are in violation of the current code but not be enforced under the shoreland ordinance may be maintained, repaired, replaced, restored, rebuilt or remodeled only if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)

ORDINANCE #174 - 4/19

**AN ORDINANCE TO AMEND CHAPTER 20 ENTITLED "SHORELAND ZONING"
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Section 20.01 DEFINITIONS is amended to read:

- (10) "Impervious surface" (NR 115.03(4g)) an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways (all surface types including crushed rock), parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Stats., or sidewalks as defined in s. 340.01(58), Wis. Stats., are not considered impervious surfaces. Decks are considered pervious provided that a minimum of 2/10 - inch spacing is provided between all deck boards, underlying landscape fabric if used is manufactured by design to allow infiltration of water into the soil, and no other impediment to the infiltration of water exists beneath the deck. Stairways and walkways with gaps between their surface structures allowing water to readily pass are considered pervious.

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- (13) "Ordinary high-water mark" (NR 115.03(6)) the point on the bank or shore 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 recognized characteristics. The OHWMs of the Black, La Crosse, and Mississippi Rivers, Lakes Onalaska and Neshonoc, and Swift Creek are referenced as elevations determined by prior Department staff and as listed in Appendix "B".

Section 2. Section 20.01 Shoreland-Wetland Maps is amended to read:

20.01 SHORELAND-WETLAND MAPS The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <https://dnrmaps.wi.gov/H5/?viewer=SWDV>

Section 3. Section 20.25 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING is amended to read:

[20.25]

- (3) SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE. Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under s. 20.25(2) when designed and constructed to Natural Resources Conservation Service technical standards. The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
- (a) The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a special exception permit under s. 20.25(2)(b) is obtained.

- (b) Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
- (c) Ditch banks shall be maintained in a sod cover and free of woody vegetation.
- (d) A 35 foot wide buffer strip of untilled, un-grazed sod cover shall be maintained adjacent to the ditch bank.

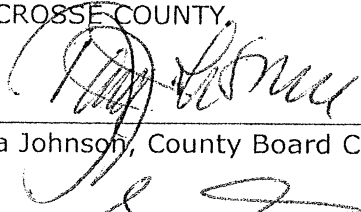
Section 4. Section 20.29 Maintenance, Repair, Replacement or Vertical Expansion of Structure that were authorized by variance is amended to read:

20.29 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (ss. 59.692(1k)(a)2. and (a)4, Wis. Stats) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s. 59.692(1t) Wis. Stats.) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

Section 5. This Ordinance shall take effect the day after passage and publication.

LA CROSSE COUNTY

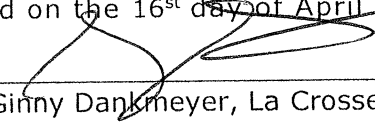
By: 
Tara Johnson, County Board Chair

By: 
Ginny Dankmeyer, County Clerk

PASSED: April 16, 2019
PUBLISHED: April 25, 2019

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 16th day of April 2019.


Ginny Dankmeyer, La Crosse County Clerk