

ORDINANCES

SUBJECT: FLOODPLAIN ZONING

COMMITTEE: PLANNING, RESOURCES & DEVELOPMENT COMMITTEE

FIRST CONSIDERATION: March 20, 2008

FINAL CONSIDERATION: March 20, 2008

ORDINANCE # 59-3/08 **PUBLICATION DATE** _____

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

**AN ORDINANCE TO AMEND SS. 16.07(1), 16.16(1), 16.19(3)(e),
AND 16.21(1)(b)4. & 5.a. OF THE GENERAL CODE OF LA CROSSE COUNTY,
WISCONSIN ENTITLED FLOODPLAIN ZONING**

ANALYSIS

This Ordinance is an upgrade of the present Floodplain Zoning Ordinance required by the Federal Emergency Management Agency (FEMA) and the Wisconsin Department of Natural Resources (DNR). The primary changes are to add the new Flood Insurance Rate Maps and maps and studies related to several structures in the Coon Creek area, including several structures in Monroe County, where the effects of the structures are extended into La Crosse County. The other changes are primarily housekeeping changes, except that FEMA now allows no increases in flood height in floodplain districts as opposed to the .01 foot which was allowed previously.

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/.

ORDINANCE #59 - 3/08

**AN ORDINANCE TO AMEND SS. 16.07(1), 16.16(1), 16.19(3)(e),
AND 16.21(1)(b)4. & 5.a. OF THE GENERAL CODE OF
LA CROSSE COUNTY, WISCONSIN ENTITLED FLOODPLAIN ZONING**

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

Section 1. Section 16.07(1) is amended to read:

16.07(1) OFFICIAL MAPS AND REVISIONS.

(1) Designations. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the La Crosse County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (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 County Zoning Administrator. If more than 1 map or revision is referenced, the most restrictive information shall apply.

(a) Official Maps: Based on the Flood Insurance Studies (FIS) – Flood Insurance Rate Maps (FIRM), community number 550217, panel numbers: 0010, 0015, 0020, 0030, 0035 through 0039, 0041 through 0044, 0055, 0060 through 0064, 0066 through 0069, 0080, 0085 through 0089, 0095, 0106 through 0109, 0126 through 0129, 0131 through 0134, 0136 through 0139, 0141 through 0144, 0155, 0160 through 0164, 0166 through 0169, 0180, 0185 through 0189, 0191 through 0194, 0205, 0210 through 0214, 0216, 0218, 0227, 0231 through 0234, 0242, 0244, 0251 through 0254, 0256 through 0259, 0261 through 0264, 0266 through 0269, 0276 through 0279, 0281 through 0284, 0286 through 0289, 0295, 0305, 0310, 0315, 0320, 0332, 0351, 0352, 0356, 0357, 0376, 0377, 0385, 0405, 0410, with an effective date of April 2, 2008. All maps require approval by the DNR and FEMA.

(b) Official Maps: Based on other studies:

1. Hydrologic and Dam Failure Analyses and Hazard Rating Assessment for Coon Creek Structures, No. 29, dated May 1996, including the studies and maps concerning the hydraulic shadow extending into La Crosse County, and No. 53, dated April, 1996, including studies and maps concerning the hydraulic shadow extending into La Crosse County, prepared by Ayres Associates and approved by DNR.

2. Hydrologic and Hydraulic Analyses, including Dam Failure Analysis, and Hazard Rating Assessment for Coon Creek Structures, No. 33, dated March, 2006, revised July, 2007, and No. 35, dated May, 2005, prepared by USDA – Natural Resources Conservation Services and approved by DNR.

3. Floodplain study and maps: All other DNR-approved and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located on file in the La Crosse County Zoning, Planning and Land

Information Office. The County shall provide the most up-to-date information to the DNR and FEMA regional offices.

4. Soil survey maps on file in the La Crosse County Zoning, Planning and Land Information office.

Section 2. Section 16.16(1) is amended to read:

16.16(1) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

(1) Hydraulic and Hydrological Analyses.

(a) Except as allowed in par. (c) below, no floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
2. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0 foot.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (c) are met.

(c) Obstructions or increases equal to or greater than 0 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 16.23.

Section 3. Section 16.19(3)(e) is amended to read:

16.19(3)(e) Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation in compliance with flood proofing measures in s. 16.22(5). Subject to the requirements of sub. (f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

Section 4. Sections 16.21(1)(b)4. and 5.a. are amended to read:


16.21(1)(b)4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 16.19(3)(b). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

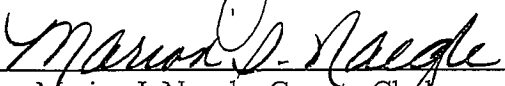
16.21(1)(b)5.a. Except as provided in subsection (1)(b), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

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

Dated this 20 day of March, 2008.

LA CROSSE COUNTY

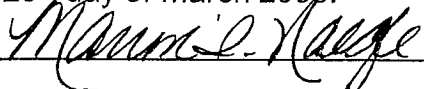
By: 
Steve Doyle, County Board

By: 
Marion I. Naegle, County Clerk

PASSED: 3-20-08
PUBLISHED:

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Marion I. Naegle, 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 20th day of March 2008.


Marion I. Naegle, La Crosse County Clerk