

ORDINANCE NO.: 4943

AN ORDINANCE to amend Section 8-82 through 8-171 of the Code of Ordinances of the City of La Crosse – Airport Overlay Zoning District Ordinance for the City of La Crosse, Wisconsin.

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

SECTION I: Section 8-83 is hereby amended to read as follows:

Height. Height is utilized for the purpose of determining the height limits in all zones set forth in this article and shown on the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin; height shall be the highest point of structure, tree, or other object of natural growth and measured from the mean sea level elevation, unless specified otherwise.

SECTION II Section 8-88(a) is hereby amended to read as follows:

(a) Airport Height Zoning District.

(1) The boundaries of each district are hereby established as shown on a map dated December 9, 2010, and as it may be amended, titled La Crosse Regional Airport Overlay Zoning District Map, La Crosse, Wisconsin, and the height restrictions are hereby established on a map titled Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin, which accompanies it and is hereby adopted as part of this article. Both the La Crosse ~~Municipal~~ Regional Airport Overlay Zoning District Map and the Height Limitations Zoning Map, La Crosse ~~Wisconsin-Regional~~ Regional Airport, La Crosse, Wisconsin, shall bear the signature of the Mayor of the City attested by the City Clerk and shall be on file in the office of the Department of Planning and Development.

(2) The elevation numbers indicated within each ~~cell~~ contour are hereby established and are made part of this article. ~~Cell-Contour~~ contour elevation numbers indicated on the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin, provide the maximum permissible height above mean sea level (MSL), which buildings, structures, objects, or vegetation in that cell shall not exceed. If the Height Limitations Zoning Map, La Crosse Regional Airport, La Crosse, Wisconsin indicates "Permit Required" instead of a height, a permit must be obtained, regardless of height. The provisions of the AOZD within this article shall apply to all ~~cell~~ areas indicated in this Map.

SECTION III: Section 8-116(7) is hereby amended to read as follows:

(7) Delegate the responsibilities of administration and enforcement of this article to the City of Onalaska, Town of Onalaska, Town of Campbell, Town of Medary, Village of Holmen, and County of La Crosse provided this article is adopted by the governing body by reference;

SECTION IV: The introductory paragraph to Section 8-117 is hereby amended to read as follows:

Sec. 8-117. - Land use permit.

When required by this article, a permit (valid for 18 months) shall be obtained from the Zoning Administrator before the removal of or any change in the construction, alteration, location, or use of any existing use or proposed use. In all cases, the height limits of this article shall not be exceeded by more than 10 feet. Uses that penetrate height limitations by 10 feet or less require a permit. The permit (for permit required uses or for future uses when specified), which may include development and use-related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Failure to obtain a permit when required shall be a violation of this article. Application for a permit shall be made to the Zoning Administrator upon furnished application forms and shall include the following data:

SECTION V: Section 8-117(6) is hereby amended to read as follows:

(6) When the Zoning Administrator or Airport ~~Manager~~Director deems necessary, evidence of submission of a Federal Aviation Administration (FAA) Form 7460-1, Notification of Proposed Construction or Alteration, commonly known as an "airspace review." Receipt of final determination letter from the FAA is required prior to final approval or denial of a permit (as required for permit required uses or for future uses when specified). The FAA Form 7460-1 can be found online at <http://forms.faa.gov/forms/faa7460-1.pdf>.

SECTION VI: Section 8-142(1) is hereby amended to read as follows:

(1) Any development which exceeds the applicable a height limitation in the AOZD by more than 10 feet is not authorized. Any development that exceeds the applicable height limitation in the AOZD by 10 feet or less will automatically become a permit required use.

SECTION VII: Section 8-169 is hereby amended to read as follows:

Sec. 8-169. - Exceptions.

The restrictions contained in this section shall not apply to temporary cranes, temporary lifts, temporary scaffolding, and other similar temporary equipment used for normal and routine construction, provided that a permit with any conditions has been issued by the Department of Planning and Development after obtaining the approval of the La Crosse Regional Airport ~~Manager~~Director and, if required, the Federal Aviation Administration (FAA) as a part of the FAA 7460-1 notification process.

(Code 1980, § 13.01(D)(3))

SECTION VIII: Section 8-170(1) is hereby amended to read as follows:

(1) Existing uses. All existing property uses allowed by the current zoning classifications, within the zones defined by this article are allowed to remain, subject to applicable Federal, State, and local requirements, including height limitations set forth in this article. This includes the constructions of ancillary uses, such as garages, subject to existing local requirements. Nothing contained in this article shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence on October 21, 2012, or which commenced prior to October 21, 2012, and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to October 21, 2012. It is further provided that the height limits of this article shall in no event be exceeded by more than 10 feet. If a use penetrates the applicable height limitation by 10 feet or less, it must be approved through the permitting process.

SECTION IX: Section 8-170(1)(b)(1) is hereby amended to read as follows:

1. The expansion, alteration, or enlargement meets the requirements of the La Crosse Regional Airport Height Limitations Zoning Map, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

SECTION X: Section 8-170(2)(b) is hereby amended to read as follows:

b. Permit required uses are those land uses that shall be permissible following the issuance of a permit. The permit, which may include development and use-related conditions, along with a signed AOZD checklist, notifies applicants of their responsibilities and required mitigation for any construction, alteration, location or use of land to minimize potential hazardous impacts to the La Crosse Regional Airport, aircraft, airport operational areas, and aircraft overflight areas, as well as nearby residents. Any use exceeding the height limitations by 10 feet or less require a permit regardless of the type of land use.

SECTION XI: Section 8-171(a) is hereby amended to read as follows:

(a) All uses must comply with the FAA's requirements for marking and lighting per the current version of Advisory Circular 70-7460 Obstruction Marking and Lighting. Additionally, any permit may, if such action is deemed advisable by the La Crosse Regional Airport Management, Wisconsin Department of Transportation Bureau of Aeronautics (WI DOT BOA) and/or the FAA, require the owner of a structure or trees, to install, operate, and maintain thereon such markers, light, and navigational aids as may be necessary to indicate to pilots the presence of a hazard, at the owner's expense.

SECTION XII: Section 8-171(b)(1) is hereby amended to read as follows:

- (1) Any use that would exceed the Height Restrictions indicated in the Height Limitations Zoning Map by more than 10 feet.

SECTION XIII: Section 8-171 Table 3 is hereby amended in part to read as follows:

|   |   |   |   |           |   |   |
|---|---|---|---|-----------|---|---|
| Utility uses<br>(e.g., wind generator, wind farm, solar power generation equipment, water tower transmission lines) | N | R | R | <u>RP</u> | N | R |
|---|---|---|---|-----------|---|---|

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

SECTION XV: This ordinance shall take effect upon passage and publication subject.

\_\_\_\_\_/s/\_\_\_\_\_  
Richard Swantz, Acting Mayor

\_\_\_\_\_/s/\_\_\_\_\_  
Teri Lehrke, City Clerk

Passed: 7/14/16  
Approved: 7/18/16  
Published: 7/23/16