

Enrolled 158-154
PROPOSED ORDINANCE 158-158

1
2
3 ADOPTION OF A NEW DISTRICT ZONING MAP OF THE WAUKESHA COUNTY
4 SHORELAND AND FLOODLAND PROTECTION ORDINANCE FOR ALL OF
5 THE TOWN OF SUMMIT AND THOSE SHORELAND PORTIONS OF THE
6 TOWN ANNEXED BY THE CITY OF OCONOMOWOC AFTER
7 MAY 1982, WAUKESHA COUNTY, WISCONSIN (SZ-1513)
8

9 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
10 the Waukesha County Park and Planning Commission, after Public Hearing, and giving the
11 requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks
12 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
13 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
16 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District
17 Zoning Map for the Town of Summit and City of Oconomowoc, Waukesha County, Wisconsin,
18 adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to
19 adopt a new district zoning map for all of the Town of Summit and those shoreland portions of
20 the Town annexed by the City of Oconomowoc after May 1982, and more specifically described
21 in the "Staff Report and Recommendation" and map on file in the office of the Waukesha
22 County Department of Parks and Land Use and made a part of this Ordinance by reference (SZ-
23 1513).
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
26 this Ordinance with the Town of Summit and City of Oconomowoc Clerks.
27

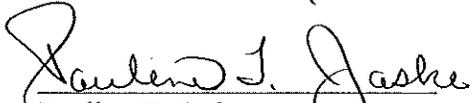
28 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
29 approval and publication.
30

31 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
32 provisions of this Ordinance are hereby repealed.

ADOPTION OF A NEW DISTRICT ZONING MAP OF THE WAUKESHA COUNTY
SHORELAND AND FLOODLAND PROTECTION ORDINANCE FOR ALL OF
THE TOWN OF SUMMIT AND THOSE SHORELAND PORTIONS OF THE
TOWN ANNEXED BY THE CITY OF OCONOMOWOC AFTER
MAY 1982, WAUKESHA COUNTY, WISCONSIN (SZ-1513)

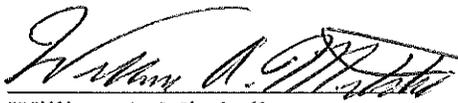
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

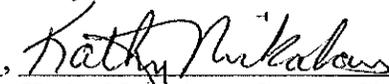

Scott J. Klein


William A. Mitchell

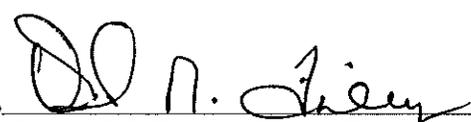

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4-16-04, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 4-19-04, 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of SZ-1513 (Waukesha County Department of Parks and Land Use) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

March 18, 2004

Absent

Betty Willert, Chairperson

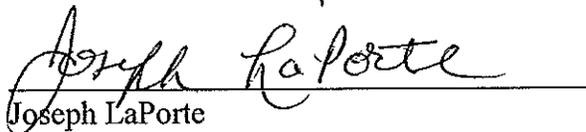

Vy Vanusonis


Mareth Kipp

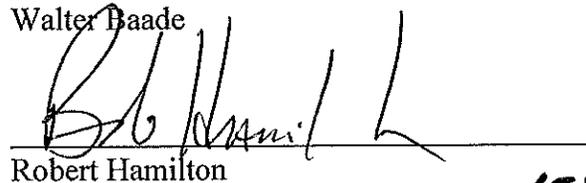
Absent

Ellen Gennrich


Walter Kolb


Joseph LaPorte


Walter Baade


Robert Hamilton

158-0-155

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO.: SZ-1513

AREA OF PROPOSED REZONING:

All of the Town of Summit and those portions of the City of Oconomowoc previously within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance, which were annexed after May 1982.

DATE: March 18, 2004

PETITIONER:

Waukesha County Department of Parks and Land Use
Planning and Zoning Division
1320 Pewaukee Road
Room No. 230
Waukesha, WI 53188

LOCATION:

All of the Town of Summit and those portions of the City of Oconomowoc annexed after May 1982.

PROPOSED ZONING:

See map on file in the office of the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.

PUBLIC HEARING DATE:

February 11, 2004.

PUBLIC REACTION:

One resident questioned why more properties could not be put into the Environmental Corridor District and another resident questioned how the Chapter 30 jurisdiction related to the construction of ponds near other public bodies of water.

TOWN PLAN COMMISSION:

The Town of Summit Plan Commission, at their meeting of February 18, 2004, recommended approval of the proposed changes to the County Board. The City of Oconomowoc has made no recommendation; however, we understand from the City Planner they have no issues about the proposed rezoning.

TOWN BOARD AND CITY COUNCIL ACTION:

The Summit Town Board, on March 4, 2004, recommended to the Waukesha County Board approval of the proposed map. The City of Oconomowoc Council took no action on the proposed revisions.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF SUMMIT LAND USE PLAN:

The proposed amendments rezoned those areas within the Primary Environmental Corridor in accordance with the County Development Plan and rezoned the areas consistent with the current Town of Summit Zoning Map, which serves to implement the Town of Summit Master Plan, which has been incorporated into the County Development Plan. Therefore, the proposed amendments are consistent with the Waukesha County Development Plan.

OTHER CONSIDERATIONS:

The Waukesha County Department of Parks and Land Use, Planning and Zoning Division, is proposing to update the jurisdictional zoning map for the Town of Summit and the Waukesha County Shoreland and Floodland Protection Ordinance for all areas within 1,000 ft. of any lake, 300 ft. of any river, stream, or the landward side of the floodplain in the Town of Summit and those areas of the City of Oconomowoc, which were annexed after May 1982. This new zoning map incorporates the entire township on an aerial photograph, which designates actual property boundaries, so it is easier for the public to determine what parcels are zoned under the County's jurisdiction. The original maps for the Waukesha County Shoreland and Floodland Protection Ordinance were adopted in July 1970. This new map incorporates the current boundaries of the City of Oconomowoc where we have shoreland jurisdiction, delineates new areas where there has been recent navigability determinations, and delineates areas where there has been wetland determinations within the County Shoreland Jurisdiction. It is the policy of the Department of Parks and Land Use, Planning and Zoning Division, that the zoning districts be consistent as possible with the local zoning categories; therefore, these areas have been rezoned to be compatible with the current Town of Summit Zoning Map. Further, in order to implement the Waukesha County Development Plan, all Upland Primary Environmental Corridors have now been placed in the EC Environmental Corridor District. The map, as presented, indicates the changes in yellow, incorporates a list of the zoning district regulations, and designates the file number in the Waukesha County Department of Parks and Land Use, Planning and Zoning Division's office of the wetland and navigability delineation. It should be noted that one change was made to the map at the time of the public hearing, which is the Schafer property located in Section 32 of the Town of Summit, as the County received a Wetland Determination (No. 121) on the date of the public hearing and it has been noted on the map and was put into the record at the time of the public hearing.

In accordance with Section 4.02(B) of the Waukesha County Shoreland and Floodland Protection Ordinance, when new floodplain data or determinations of navigability are made, the County is to update their zoning maps within six (6) months of the time the Department of Natural Resources has determined the acceptability of the data. It should be noted that where flood information was available, said information has been incorporated into the new maps or we used the elevation of the highest flood of record, which is consistent with the language in the Ordinance which states, "The area of an approximate 100-Year Floodplain and wetland shall be considered to be subject to the C-1 and A-E zoning categories and any water quality related standards of the Shoreland and Floodland Protection Ordinance are in affect immediately upon the determination of the navigability or the determination of a shoreland, wetland or floodplain." This is the first map we have completed as far as incorporation of the new and most recent data for a township in Waukesha County.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request be **approved**. This updated map now has the most current information for the Town of Summit for recent wetland determinations, new navigability determinations, and the current City of Oconomowoc boundaries. Also, it serves to implement the Waukesha County Development Plan by incorporating the Primary Environmental Corridor areas in the Environmental Corridor Zoning District.

Respectfully submitted,

Kathy Moore / Kab

Kathy Moore
Senior Planner

KM:smv

N:\PLU FILES\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1513(DEPT OF PARKS AND LAND USE)_OCC & _SMT.DOC

158-0-155

4.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/13/04

(ORD) NUMBER-1580155

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 K. HARENDA.....AYE
 13 J. MORRIS.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 P. PRONOLD.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 M. THOMAS.....AYE
 31 V. STROUD.....AYE
 33 D. PAVELKO.....AYE
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 H. CARLSON.....AYE
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 J. GRIFFIN.....AYE
 14 J. LA PORTE.....AYE
 16 R. MANKE.....AYE
 18 B. MORRIS.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....AYE
 24 A. SILVA.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....AYE
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-34

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-34