

ENROLLED ORDINANCE 178-31

ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO MODIFY THE MARINA CONDITIONAL USE SECTION STANDARDS RELATING TO THE DOWNTOWN OKAUCHEE DISTRICT (RZ121)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.692, Wisconsin Statutes; and

WHEREAS, the Waukesha County Department of Parks and Land Use held a public hearing on June 15, 2023; and

WHEREAS, the proposed amendments have been duly referred, considered and approved by the Waukesha County Park and Planning Commission at its meeting of June 15, 2023; and

WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended to modify the marina conditional use section standards relating to the Downtown Okauchee District and are more specifically described in the "Staff Report and Recommendation" by reference RZ121, on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance.

Section 4(g)17.H of the Waukesha County Shoreland and Floodland Protection Ordinance shall be repealed and recreated as follows:

H. No pier may be permitted to extend beyond the pierhead line if established. The total length of all piers and T's or L's extending from the pier may not exceed the total length of the lake frontage of the property, except in the DOD Downtown Okauchee District, and in no case shall piers, T's or L's extend greater than one hundred fifty (150) feet from shore. In the DOD Downtown Okauchee District, the total length of piers permitted shall be determined based upon the requirements and approval of the Wisconsin Department of Natural Resources and the consideration of the plan commission and zoning agency with regard to concerns such as, but not limited to, on-site parking, traffic circulation and neighborhood compatibility.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with each of the town clerks within Waukesha County.

ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO MODIFY THE MARINA CONDITIONAL USE SECTION STANDARDS RELATING TO THE DOWNTOWN OKAUCHEE DISTRICT (RZ121)

Presented by:

Land Use, Parks, and Environment Committee

312

Tyler J. Foti, Chair

Jennifer Grant

Jennifer Grant

Christine M. Howard

Christine M. Howard

Robert L. Kolb

Robert L. Kolb

Brian Meier

Brian Meier

Chris Mommaerts

Chris Mommaerts

Gary J. Szpara

Gary J. Szpara

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

Date: July 31, 2023, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____


Date: 7/31/2023, Paul Farrow
Paul Farrow, County Executive

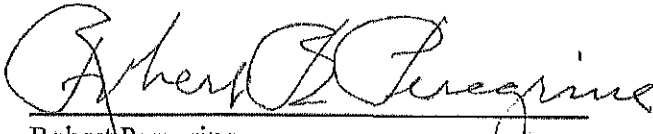
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends **approval** of **(RZ121 Waukesha County Park and Planning Commission – SFPO Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”


PARK AND PLANNING COMMISSION

June 15, 2023



James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf

Absent
Gary Szpara


Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND
PROTECTION ORDINANCE

FILE NO.: RZ121
DATE: June 15, 2023
PETITIONER: Waukesha County Park and Planning Commission

REQUEST:
Text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to modify the marina conditional use section standards specifically as they relate to the Downtown Okauchee District (DOD).

PUBLIC HEARING DATE: June 15, 2023

PUBLIC COMMENT: Any hearing comments offered at the June 15, 2023 hearing will be considered as part of the review process.

STAFF ANALYSIS:
The Waukesha County Planning and Zoning staff was recently approached by a property owner within the DOD district that expressed interest in expanding the number of boat slips on his property. The DOD district was created to apply to the downtown Okauchee area. The district recognizes Okauchee's unique land use pattern in a mixed use setting and provides for re-development opportunities within several use zones.

Because the Conditional Use option for marinas currently limits the total length of piers (including T's and L's) to a number that is equal to the lake frontage on a property, the inquiring owner would not have been able to expand. In response to learning that, he indicated that he believed that a pier expansion made his restaurant business more viable thus better ensuring its long term success and survival. He noted that viable business was a goal of the DOD district. Planning and Zoning staff and the Oconomowoc town planner agreed that an exception to the frontage provision had merit within the DOD. The marina standards were written prior to the DOD being written into the ordinance. Because of the urban or downtown setting and more compact development pattern, it was felt that the DOD could be excepted from this provision and the section amended but that piers, T's or L's should not extend greater than 150 feet from the shore so that navigation is not adversely affected. The proposed amendment would also include a requirement that the determination of the total pier length permitted within the DOD shall be determined based on the WDNR requirements and their approval as well as the consideration by the Town Plan Commission and the Waukesha County Park and Planning Commission as part of the marina Conditional Use process. Specifically:

Section 4(g)17.H of the Waukesha County Shoreland and Floodland Protection Ordinance shall be repealed and recreated as follows:

- H. No pier may be permitted to extend beyond the pierhead line if established. The total length of all piers, and T's or L's extending from the pier may not exceed the total length of the lake frontage of the property, except in the DOD Downtown Okauchee District, and in no case shall piers, T's or L's extend greater than one hundred fifty (150) feet from shore. In the DOD Downtown Okauchee District, the

total length of piers permitted shall be determined based upon the requirements and approval of the Wisconsin Department of Natural Resources and the consideration of the plan commission and zoning agency with regard to concerns such as, but not limited to, on-site parking, traffic circulation and neighborhood compatibility.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. This exception will apply to the DOD only and therefore will provide some access flexibility for lots, including those that may be somewhat narrow, and contain a marina that would also like to have more slips or pier footage than what is currently allowed in order to accommodate additional customers. A maximum length of 150 feet is still required and approval from the WDNR, and the Town and County Plan Commissions is also required. The consideration of on-site parking, traffic circulation and neighborhood compatibility will ensure that expansions will not create nuisance conditions. Staff feels that some additional flexibility for marinas within the DOD will help the business climate in an area where re-investment has been identified as important in maintaining a mixed use environment. Therefore, this amendment request is within the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town and County Development Plans in that while flexibility is provided there is still oversight as to the length of piers allowed so that safety in navigation is ensured.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

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VOTE RESULTS

23

YES

0

NO

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ABSTAIN

2

ABSENT

Ordinance 178-O-031

Ordinance 178-O-031: Adopt the Text Amendments to the Waukesha County Shoreland and Floodland Protection Ordinance
Use Section Standards Relating to the Downtown Okauchee District (RZ121)

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	ABSENT
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	ABSENT	D18 - Nelson	AYE		