

ENROLLED ORDINANCE 168-69

ADOPT REVISED DISTRICT ZONING MAPS OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE FOR THE TOWNS OF LISBON AND MERTON AND ADOPT A REVISED DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA TO ZONE LANDS IN ACCORDANCE WITH THE NEWLY ADOPTED FEMA MAPPING FOR THE BARK RIVER AND SURROUNDINGS (SCZ-1763)

WHEREAS, after proper notice was given, a public hearing was held on November 21, 2013, and

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Protection Ordinance on June 23, 1970 and the Waukesha County Zoning Code on February 26, 1959, and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinances pursuant to Sections 59.69 and 59.692, Wisconsin Statutes, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Sections 59.69 and 59.692 Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970 and the Waukesha County Zoning Code adopted on February 26, 1959 are hereby amended to adopt revised district zoning maps. The amendments are more specifically described in the "Staff Report and Recommendation" by reference SCZ-1763, on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance.

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

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerks of Lisbon, Merton and Ottawa.

ADOPT REVISED DISTRICT ZONING MAPS OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE FOR THE TOWNS OF LISBON AND MERTON AND ADOPT A REVISED DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA TO ZONE LANDS IN ACCORDANCE WITH THE NEWLY ADOPTED FEMA MAPPING FOR THE BARK RIVER AND SURROUNDINGS (SCZ-1763)

Presented by:
Land Use, Parks, and Environment Committee

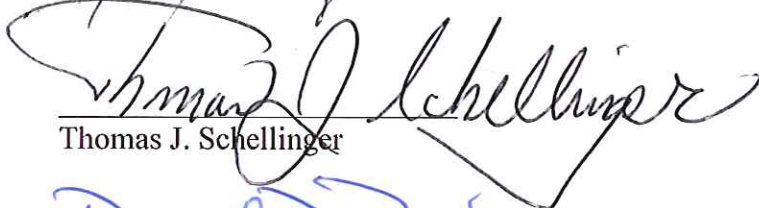

James A. Heinrich, Chair

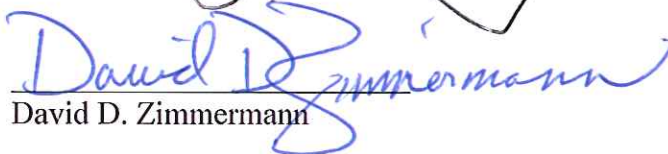

Jim Batzko


Walter Kolb



Pamela Meyer


Fritz Ruf


Thomas J. Schellinger


David D. Zimmermann

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

Date: 12/13/2013, 
Kathleen Novack, County Clerk

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

Approved: _____
Vetoed: _____
Date: 12-19-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/17/13

(ORD) NUMBER-1680069

- | | |
|--------------------------|-------------------------|
| 1 C. SLATTERY..... | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. JESKEWITZ..... |
| 7 J. GRANT.....AYE | 8 P. HAUKOHL.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 F. RUF.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 P. MEYER.....AYE |
| 15 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 C. CUMMINGS.....AYE | 20 T. SCHELLINGER...AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT.....AYE | 24 D. DRAEGER.....AYE |
| 25 G. YERKE..... | |

TOTAL AYES-22

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

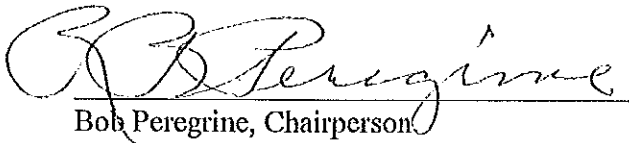
TOTAL VOTES-22

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 and the Waukesha County Zoning Code for the Town of Ottawa, hereby recommends approval of **SCZ-1763 (2013 FEMA Floodplain Update – Bark River)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

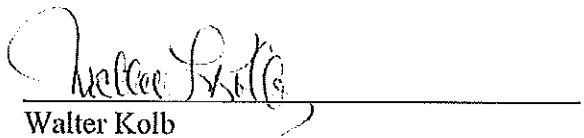
November 21, 2013

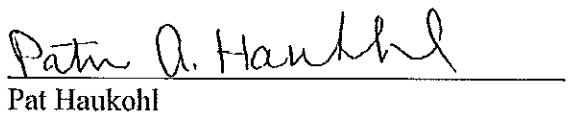

Bob Peregrine, Chairperson


Jim Siepmann, Vice Chairperson

Absent
William Mitchell


Gary Goodchild


Walter Kolb


Pat Haukohl

absent
Fritz Ruf

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

FILE NO.: SCZ-1763 (Map)

DATE: November 21, 2013

PETITIONER: Waukesha County
Dept. of Parks and Land Use
515 W. Moreland Blvd., Room 230AC
Waukesha, WI 53188

LOCATION:

The area affected by the subject map amendments includes the Bark River and its immediate surroundings within the Towns of Lisbon, Merton and Ottawa.

PROPOSED ZONING:

Amend the official district zoning maps of the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) for the Towns of Lisbon, Merton and Ottawa and the official district zoning map of the Waukesha County Zoning Code for the Town of Ottawa to rezone lands to reflect and incorporate new floodplain boundaries that are a result of a new Bark River floodplain study that has now been formally mapped by the Federal Emergency Management Agency (FEMA).

PUBLIC HEARING DATE:

November 21, 2013.

PUBLIC REACTION:

Public comments will be accepted and considered at the November 21, 2013 meeting. The related FEMA floodplain maps have previously been the subject of a formal FEMA appeals period. If comments raised cannot be addressed at the same November 21, 2013 meeting, action can be tabled to the December 12, 2013 meeting, if necessary.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The County Development Plan calls for protection of one hundred year (1% chance) floodplains and recommends that new development not be allowed within floodplain areas. The proposal to zone lands within newly mapped floodplains to protective categories and conversely to assign appropriate upland zoning categories to lands found to no longer be within the FEMA floodplain is consistent with plan recommendations.

STAFF ANALYSIS:

The proposed rezoning request is being brought forward by Waukesha County in order to amend the official district zoning maps of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code to reflect floodplain boundary changes that are being proposed by FEMA. The incorporation of new FEMA mapping by text reference is being considered as part of a related SFPO text amendment (SZ-1763A). The mapping changes will revise County zoning maps as they relate to the Towns of Lisbon, Merton and Ottawa in order to incorporate FEMA's Bark River Physical Map Revision, which is described in greater detail in the Staff Report and Recommendation for SZ-1763A. Because of the large size of the affected Town Zoning maps, the proposed amended town zoning maps are

viewable on the Waukesha County website at www.waukeshacounty.gov/planning under the “Quicklinks” tab – see the FEMA Floodplain Update- 2013-Bark River heading. In addition, the related FEMA and DNR mapping is viewable at the same webpage and the same map data is also accessible within the floodplain layer folder on the Waukesha County Internet Mapping Site at www.waukeshacounty.gov/gis. Because the elevation of the Bark River floodplain is largely being reduced by the newly prepared FEMA mapping and study, the primary implication of revising the zoning maps to reflect the new floodplain boundary is that part or all of numerous parcels that were formerly zoned either C-1 Conservancy District or AE Agricultural Conservancy District because of the presence of floodplain are proposed to be re-zoned to various upland zoning districts. Generally, the zoning assigned to the lands that were previously within the floodplain is being matched to the existing upland category of other adjacent lands. Other lands that will no longer be within the mapped floodplain will continue to be zoned either AE or C-1 because of the presence of wetlands or hydric soils.

The mapping changes affect the most broad areas within the Town of Lisbon, while zoning map changes within Ottawa are extremely minor. The Bark River enters Waukesha County in the Town of Lisbon and then traverses numerous County municipalities before entering Jefferson County to the west. Overall, in the areas affected by the map changes, 60.3 acres of land is proposed to be rezoned to various upland zoning categories, while 7.2 acres will be zoned C-1 Conservancy District and 7 acres will be zoned AE Exclusive Agricultural Conservancy District. Because of the overall reduction of the floodplain area, the County’s Shoreland jurisdictional area is reduced by approximately 96 acres.

Rezoning the lands in the same sequence as adopting the related text amendments will ensure that the adopted FEMA maps and County zoning maps are in full concert immediately upon acceptance of the FEMA mapping. This will give property owners, the development community, affected communities and Planning & Zoning Staff clear guidelines for how lands affected by the study can be used and protected, as appropriate.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the proposed zoning map amendments be **approved**. The adoption of the proposed mapping will incorporate the new FEMA Bark River floodplain boundaries into County zoning maps which will ensure proper protection of the floodplain. In addition, because the new floodplain boundaries are generally reduced in area, numerous owners will experience regulatory and/or flood insurance relief, which will benefit many citizens within the County.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Enclosures: Maps (The three proposed amended Town zoning maps are available on the Waukesha County website (www.waukeshacounty.gov/Planning) under the “Quicklinks, FEMA Floodplain Update- 2013-Bark River heading”).